



CITY OF
TUCSON

PLANNING
DEPARTMENT

February 28, 2002

To: Subscriber to the Tucson *Land Use Code (LUC)*

SUBJECT: SUPPLEMENT NO. 28 TO THE *LAND USE CODE (LUC)*

Dear Subscriber:

Enclosed is Supplement No. 28 to your copy of the City of Tucson *Land Use Code (LUC)*. An explanation of the revisions included in this Supplement is also enclosed.

This Supplement includes Ordinance Nos. 9582 and 9615, Environmental Resource Zone revisions, adopted by the Mayor and Council on August 6, 2001, and October 1, 2001, respectively; Ordinance Nos. 9631, Personal Storage; 9634, Microbreweries/Perishable Goods Manufacturing; 9635, Protected Development Right; and 9637, Annexation Zoning Procedure, adopted by the Mayor and Council on December 10, 2001; and Ordinance No. 9666, Large Retail Establishments, adopted by the Mayor and Council on January 29, 2002. In addition, some minor formatting errors have been corrected.

Please recycle and replace pages in your *LUC* as follows.

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Please insert and maintain this instruction sheet in the front of your copy of the *LUC*.

Should you have any questions while replacing these pages, please call me at 791-4541.

Sincerely,

Jennifer Noriega
Planning Technician

JN:word/s/luc/supltr.doc

Enclosures: Summary of Amendments
 Supplement No. 28

TUCSON *LAND USE CODE (LUC)* - SUPPLEMENT NO. 28

SUMMARY OF AMENDMENTS

ORDINANCE NOS. 9582, 9615, 9631, 9634, 9635, 9637, and 9666

ORDINANCE NO. 9582 (Adopted on August 6, 2001)

2.8.6.8.C. This subsection was amended to add that the Stormwater Advisory Committee (SAC) may review all proposed amendments to the Environmental Resource Zone.

ORDINANCE NO. 9615 (Adopted on October 1, 2001)

2.8.6.2.B. Due to annexation, this subsection was amended to add the Cuprite Wash, Fagan Wash, Flato Wash, Franco Wash, Petty Ranch Wash, Summit Wash, Thomas Sousa Wash and their major tributaries to the Environmental Resource Zone.

ORDINANCE NO. 9631 (Adopted on December 10, 2001)

Personal Storage. The adopted amendment to the *Land Use Code (LUC)* establishes a three-acre site size limit for personal storage in the C-1 zone and amends the requirements, in all zones which permit such development, for compatibility with adjacent development.

ORDINANCE NO. 9634 (Adopted on December 10, 2001)

Microbreweries/Perishable Goods Manufacturing. The adopted amendment to the *Land Use Code (LUC)* allows the limited manufacturing of perishable goods, specifically the brewing of beer, as part of a restaurant in the C-1 zone and perishable goods manufacturing as a Special Exception Land Use in the I-1 zone.

ORDINANCE NO. 9635 (Adopted on December 10, 2001)

Protected Development Right. The adopted amendment establishes the regulatory authority for the Mayor and Council to grant protected development rights as part of a development agreement, as authorized by state law.

ORDINANCE NO. 9637 (Adopted on December 10, 2001)

Annexation Zoning Procedure. The adopted amendment authorizes the scheduling of original City zoning upon annexation to be advanced in time to allow original zoning to become effective at any time on or after the effective date of the annexation ordinance.

ORDINANCE NO. 9666 (Adopted on January 29, 2002)

Large Retail Establishments (“Big Box” Regulations). The adopted amendment provides an alternate method of determining parking for Large Retail Establishments by permitting an applicant to propose a parking requirement based on a parking generation report.

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LAND USE CODE
of the
CITY OF TUCSON



This is Chapter 23, *Land Use Code*, of the *Tucson Code*, Tucson, Arizona.

July 1, 1995

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LAND USE CODE
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 - a. Recreation
 3. Retail Trade Use Group, Sec. 6.3.10
 - a. General Merchandise Sales
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1. Commercial Services Use Group, Sec. 6.3.5
 - a. Alcoholic Beverage Service, subject to: Sec. 3.5.4.19.C
 - b. Food Service, subject to: Sec. 3.5.4.6.C
 - c. Personal Service
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- G. The following is permitted as a Secondary Land Use to Educational Use.
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 - a. Salvaging, subject to: Sec. 3.5.5.6.A and .C
- (Ord. No. 8653, §1, 2/26/96)
- 2.2.6.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

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5. Residential Care Services: Rehabilitation Service - children's facilities "K", subject to: Sec. 3.5.7.8.A, .C.1, and .D
6. Residential Care Services: Shelter Care - victims of domestic violence "K", subject to: Sec. 3.5.7.8.A, .C.3, and .D
7. Residential Care Services: Rehabilitation Service or Shelter Care "29", subject to: Sec. 3.5.7.8.A, .C.4, .D, .F, and .H (no minimum lot size)

F. Storage Use Group, Sec. 6.3.11

1. Personal Storage "38", subject to: Sec. 3.5.10.3

2.5.3.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. 6.3.5

1. Alcoholic Beverage Service "28", as a Secondary Land Use to Food Service, subject to: Sec. 3.5.4.7.A, .B, .D, .F, .G, .H, .I, and .J; Sec. 3.5.4.19.C; and approval through a Type IV Administrative Procedure, Sec. 5.4.3.4 (Ord. No. 8666, §1, 3/25/96)
2. Alcoholic Beverage Service "28", as a Secondary Land Use to Travelers' Accommodation, Lodging, subject to: Sec. 3.5.4.17.B, .D, .G, .H, .I, and .K; Sec. 3.5.4.19.C; and approval through a Type IV Administrative Procedure, Sec. 5.4.3.4 (Ord. No. 8666, §1, 3/25/96)
3. Automotive - Minor Service and Repair "28", subject to: Sec. 3.5.4.2.B, .C, .D, and .E and approval through a Type V Administrative Procedure, Sec. 5.4.3.5
4. Communications "8", limited to wireless communication towers and antennae, subject to: Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.1, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)
5. Medical Service - Outpatient, limited to blood donor center, "28", subject to: Sec. 3.5.4.8.C and approval through a Type III Legislative Procedure, Sec. 5.4.2.3 (Ord. No. 8582, §1, 9/25/95)

(Ord. No. 8666, §1, 3/25/96)

B. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Rehabilitation Service or Shelter Care "29", subject to: Sec. 3.5.7.8.A, .C.4, .D, and .H (no minimum lot size) and approval through a Type V Administrative Procedure, Sec. 5.4.3.5

C. Utilities Use Group, Sec. 6.3.12

1. Distribution System "12", subject to: Sec. 3.5.11.1.A, .E, and .I and approval through a Type V Administrative Procedure, Sec. 5.4.3.5

D. Civic Use Group, Sec. 6.3.4

1. Educational Use: Elementary and Secondary Schools "28", subject to: Sec. 3.5.13.5 and approval through a Type V Administrative Procedure, Sec. 5.4.3.5

(Ord. No. 9075, §1, 6/15/98)

E. Retail Trade Use Group, Sec. 6.3.10

1. Food and Beverage Sales - Large Retail Establishment "28", subject to: Sec. 3.5.9.7 and approval through a Type III Legislative Procedure, Sec. 5.4.2.3
2. General Merchandise Sales - Large Retail Establishment "28", subject to: Sec. 3.5.9.7 and approval through a Type III Legislative Procedure, Sec. 5.4.2.3

(Ord. No. 9293, §1, 9/27/99)

F. Industrial Use Group, Sec. 6.3.6

1. Perishable Goods Manufacturing "28", as a Secondary Land Use to Food Service, subject to: Sec. 3.5.5.2.F, .G, and .H and approval through a Type V Administrative Procedure, Sec. 5.4.3.5

(Ord. No. 9634, §1, 12/10/01)

2.5.3.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

- A. Alcoholic Beverage Service is permitted as a Secondary Land Use to Food Service, subject to: Sec. 3.5.4.7.A, .C, .E, .F, .H, .I, and .J and Sec. 3.5.4.19.C. (Ord. No. 8666, §1, 3/25/96)
- B. Automotive - Minor Service and Repair is permitted as a Secondary Land Use to General Merchandise Sales (of automotive fuel), subject to: Sec. 3.5.4.2.G.
- C. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.
 1. Home Occupation: General Application, subject to: Sec. 3.5.7.2
 2. Home Occupation: Day Care, subject to: Sec. 3.5.7.3
- D. The following are permitted as Secondary Land Uses to Religious Use.
 1. Civic Use Group, Sec. 6.3.4
 - a. Cemetery, subject to: Sec. 3.5.3.1.D
 2. Industrial Use Group, Sec. 6.3.6
 - a. Salvaging, subject to: Sec. 3.5.5.6.A and .C

(Ord. No. 8653, §1, 2/26/96)

E. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.1.

F. The following is permitted as a Secondary Land Use to Educational Use.

1. Industrial Use Group, Sec. 6.3.6

a. Salvaging, subject to: Sec. 3.5.5.6.A and .C

(Ord. No. 8653, §1, 2/26/96)

G. The following are permitted as Secondary Land Uses to all uses in the Commercial Services and Retail Trade Use Groups.

1. Industrial Use Group, Sec. 6.3.6

a. Perishable Goods Manufacturing, subject to: Sec. 3.5.5.2.D, .E, and .H

b. Salvaging, subject to: Sec. 3.5.5.6.A and .C

(Ord. No. 8653, §1, 2/26/96)

H. The following is permitted as a Secondary Land Use to all uses in the Retail Trade Use Group.

1. Industrial Use Group, Sec. 6.3.6

a. Craftwork, subject to: Sec. 3.5.5.7

(Ord. No. 8653, §1, 2/26/96)

I. Alcoholic Beverage Service is permitted as a Secondary Land Use to Travelers' Accommodation, Lodging, subject to: Sec. 3.5.4.17.B, .D, .G, .H, .I, .J, and .K and Sec. 3.5.4.19.C.

(Ord. No. 8666, §1, 3/25/96)

2.5.3.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.5.3.6 General Restrictions. The following restrictions apply to all uses and development in this zone.

A. Drive-through services are not permitted unless specifically provided for the land use.

B. All land use activities except vehicular use areas shall be conducted entirely within an enclosed building unless specifically provided otherwise.

CITY OF TUCSON LAND USE CODE
ARTICLE II. ZONES
DIVISION 5. COMMERCIAL ZONES
"C-2" COMMERCIAL ZONE

2.5.4 "C-2" COMMERCIAL ZONE.

2.5.4.1 Purpose. This zone provides for general commercial uses that serve the community and region. Residential and other related uses are also permitted.

2.5.4.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "31", subject to: Sec. 3.5.13.5
2. Alcoholic Beverage Service "30", subject to: Sec. 3.5.4.19.C and Sec. 3.5.13.5
3. Animal Service "30", subject to: Sec. 3.5.4.1.A, .B, .C, and .D
4. Automotive - Service and Repair "30", subject to: Sec. 3.5.13.5
5. Billboard "32", subject to: Sec. 3.5.4.26, Sec. 3.5.13.5, and the Regulations of Chapter 3, Advertising and Outdoor Signs, of the Tucson Code (Ord. No. 8610, §1, 11/27/95)
6. Building and Grounds Maintenance "30"
7. Communications "31", subject to: Sec. 3.5.4.20.A and Sec. 3.5.13.5 or Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)
8. Construction Service "30"
9. Day Care "31", subject to: Sec. 3.5.13.5
10. Entertainment "31", subject to: Sec. 3.5.4.4.A, .B, .C, and .D, Sec. 3.5.4.19.C, and Sec. 3.5.13.5
11. Financial Service "31", subject to: Sec. 3.5.13.5
12. Food Service "30", subject to: Sec. 3.5.4.6.C and Sec. 3.5.13.5
13. Funeral Service "30"
14. Medical Service - Extended Health Care "31", subject to: Sec. 3.5.13.5
15. Medical Service - Major "31"
16. Medical Service - Outpatient "31", subject to: Sec. 3.5.4.8.B
17. Parking "31", subject to: Sec. 3.5.13.5
18. Personal Service "30"
19. Research and Product Development "31"

20. Technical Service "31", subject to: Sec. 3.5.4.16.B
 21. Trade Service and Repair, Minor, "30"
 22. Transportation Service, Land Carrier, "31", subject to: Sec. 3.5.13.5
 23. Travelers' Accommodation, Lodging, "31", subject to: Sec. 3.5.13.5
- B. Retail Trade Use Group, Sec. 6.3.10
1. Construction Material Sales "31"
 2. Food and Beverage Sales "31"
 3. General Merchandise Sales "31", subject to: Sec. 3.5.9.2.A
 4. Heavy Equipment Sales "30", subject to: Sec. 3.5.9.3
 5. Swap Meets and Auctions "30", subject to: Sec. 3.5.9.4
 6. Vehicle Rental and Sales "31", subject to: Sec. 3.5.9.5.A and .B (Ord. No. 8653, §1, 2/26/96)
- C. Civic Use Group, Sec. 6.3.4
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 2. Correctional Use: Supervision Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.a, .8, and .10
 3. Cultural Use "31"
 4. Educational Use: Elementary and Secondary Schools "31", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)
 5. Educational Use: Postsecondary Institution "31", subject to: Sec. 3.5.3.3
 6. Educational Use: Instructional School "31"
 7. Membership Organization "30"
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 9. Protective Service "31"
 10. Religious Use "31"
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 2. Processing and Cleaning "30"
 3. Salvaging "30", subject to: Sec. 3.5.5.6.B, .C, and .E (Ord. No. 8653, §1, 2/26/96)

E. Recreation Use Group, Sec. 6.3.7

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3. Recreation "31"

F. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "R"
2. Family Dwelling "RCP-7", subject to: Sec. 3.6.1
3. Group Dwelling "30"
4. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "30", subject to: Sec. 3.5.7.8.C.4, .D, and .H (no minimum lot size)
5. Residential Care Services: Rehabilitation Service - children's facilities "30", subject to: Sec. 3.5.7.8.A, .C.1, and .D
6. Residential Care Services: Shelter Care - victims of domestic violence "30", subject to: Sec. 3.5.7.8.A, .C.3, and .D
7. Residential Care Services: Rehabilitation Service or Shelter Care "31", subject to: Sec. 3.5.7.8.A, .C.4, .D, .F, and .H (no minimum lot size)

G. Restricted Adult Activities Use Group, Sec. 6.3.9, subject to: Sec. 3.5.8.1

1. Adult Commercial Services "30"
2. Adult Recreation "30"
3. Adult Retail Trade "30"

H. Storage Use Group, Sec. 6.3.11

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2. Personal Storage "31", subject to: Sec. 3.5.10.3.C and .F (Ord. No. 8653, §1, 2/26/96; Ord. No. 9631, §1, 12/10/01)

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J. Wholesaling Use Group, Sec. 6.3.13

1. Business Supply and Equipment Wholesaling "31"

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 20. Technical Service "34", subject to: Sec. 3.5.4.16.B
 21. Trade Service and Repair, Major, "33", subject to: Sec. 3.5.4.15
 22. Trade Service and Repair, Minor, "33"
 23. Transportation Service, Land Carrier, "34"
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1. Construction Material Sales "34"
 2. Food and Beverage Sales "34"
 3. General Merchandise Sales "34", subject to: Sec. 3.5.9.2.A
 4. Heavy Equipment Sales "33", subject to: Sec. 3.5.9.3
 5. Swap Meets and Auctions "33", subject to: Sec. 3.5.9.4
 6. Vehicle Rental and Sales "34", subject to: Sec. 3.5.9.5.A and .B (Ord. No. 8653, §1, 2/26/96)
- C. Civic Use Group, Sec. 6.3.4
1. Civic Assembly "34"
 2. Correctional Use: Supervision Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.a, .8, and .10
 3. Cultural Use "34"
 4. Educational Use: Elementary and Secondary Schools "34", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)
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 - 3. Salvaging "33", subject to: Sec. 3.5.5.6.B, .C, and .E (Ord. No. 8653, §1, 2/26/96)
- E. Recreation Use Group, Sec. 6.3.7
 - 1. Golf Course "1", subject to: Sec. 3.5.6.3 and Sec. 3.5.13.5
 - 2. Neighborhood Recreation "33"
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 - 1. Family Dwelling "S"
 - 2. Group Dwelling "33"
 - 3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "33", subject to: Sec. 3.5.7.8.C.4 and .D
 - 4. Residential Care Services: Rehabilitation Service - children's facilities "33", subject to: Sec. 3.5.7.8.A, .C.1, and .D
 - 5. Residential Care Services: Shelter Care - victims of domestic violence "33", subject to: Sec. 3.5.7.8.A, .C.3, and .D
 - 6. Residential Care Services: Rehabilitation Service or Shelter Care "33", subject to: Sec. 3.5.7.8.A, .C.4, .D, .F, and .H (no minimum lot size)
- G. Restricted Adult Activities Use Group, Sec. 6.3.9, subject to: Sec. 3.5.8.1
 - 1. Adult Commercial Services "33"
 - 2. Adult Recreation "33"
 - 3. Adult Retail Trade "33"
- H. Storage Use Group, Sec. 6.3.11
 - 1. Commercial Storage "34", subject to: Sec. 3.5.10.1
 - 2. Personal Storage "34", subject to: Sec. 3.5.10.3.C and .F (Ord. No. 8653, §1, 2/26/96; Ord. No. 9631, §1, 12/10/01)
- I. Utilities Use Group, Sec. 6.3.12
 - 1. Distribution System "33", subject to: Sec. 3.5.11.1.A, .E, and .I

- 5. Residential Care Services: Shelter Care - victims of domestic violence "35", subject to: Sec. 3.5.7.8.A, .C.3, and .D
- 6. Residential Care Services: Rehabilitation Service or Shelter Care "35", subject to: Sec. 3.5.7.8.A, .C.4, .D, .F, and .H (no minimum lot size)
- F. Restricted Adult Activities Use Group, Sec. 6.3.9, subject to: Sec. 3.5.8.1
 - 1. Adult Commercial Services "35"
 - 2. Adult Recreation "35"
 - 3. Adult Retail Trade "35"
- G. Storage Use Group, Sec. 6.3.11
 - 1. Commercial Storage "35", subject to: Sec. 3.5.10.1
 - 2. Personal Storage "35", subject to: Sec. 3.5.10.3.C and .F (Ord. No. 8653, §1, 2/26/96; Ord. No. 9631, §1, 12/10/01)
- H. Utilities Use Group, Sec. 6.3.12
 - 1. Distribution System "35", subject to: Sec. 3.5.11.1.A, .E, and .I

2.6.1.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

- A. Retail Trade Use Group, Sec. 6.3.10
 - 1. Swap Meets and Auctions "35", subject to: Sec. 3.5.9.4 and approval through a Type IV Administrative Procedure, Sec. 5.4.3.4
 - 2. Food and Beverage Sales - Large Retail Establishment "35", subject to: Sec. 3.5.9.7 and approval through a Type III Legislative Procedure, Sec. 5.4.2.3 (Ord. No. 9293, §1, 9/27/99)
 - 3. General Merchandise Sales - Large Retail Establishment "35", subject to: Sec. 3.5.9.7 and approval through a Type III Legislative Procedure, Sec. 5.4.2.3 (Ord. No. 9293, §1, 9/27/99)
- B. Residential Use Group, Sec. 6.3.8
 - 1. Residential Care Services: Rehabilitation Service or Shelter Care "31", subject to: Sec. 3.5.7.8.A, .C.4, .D, and .H (no minimum lot size) and approval through a Type V Administrative Procedure, Sec. 5.4.3.5
- C. Civic Use Group, Sec. 6.3.4
 - 1. Correctional Use: Custodial Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.b, .8, .9, and .10 and approval through a Type III Legislative Procedure, Sec. 5.4.2.3

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DIVISION 6. MIXED USE ZONES
"OCR-1" OFFICE/COMMERCIAL/RESIDENTIAL ZONE

2. Educational Use: Elementary and Secondary Schools "35", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5 (Ord. No. 9075, §1, 6/15/98)

D. Commercial Services Use Group, Sec. 6.3.5

1. Alcoholic Beverage Service - Large Bar "35", subject to: Sec. 3.5.4.19.B and approval through a Type III Legislative Procedure, Sec. 5.4.2.3
2. Communications "35", subject to: Sec. 3.5.4.20.B, .C, and .E.1, or Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.2, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)
3. Entertainment - Dance Hall "35", subject to: Sec. 3.5.4.19.B and approval through a Type III Legislative Procedure, Sec. 5.4.2.3
4. Food Service, limited to a soup kitchen, "35", subject to: Sec. 3.5.4.6.D and approval through a Type III Legislative Procedure, Sec. 5.4.2.3
5. Medical Service - Outpatient, limited to a blood donor center, "35", subject to: Sec. 3.5.4.8.C and approval through a Type III Legislative Procedure, Sec. 5.4.2.3 (Ord. No. 8582, §1, 9/25/95)

(Ord. No. 8813, §1, 3/3/97)

- 2.6.1.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. 3.5.7.2

B. The following are permitted as Secondary Land Uses to the Commercial Services, Retail Trade, or Wholesaling Use Groups, limited to fifty (50) percent of the gross floor area. More than fifty (50) percent of the gross floor area may be allocated to the permitted Secondary Land Use if the criteria in Sec. 3.5.5 are met.

1. Industrial Use Group, Sec. 6.3.6

- a. General Manufacturing
- b. Heavy Equipment Manufacturing
- c. Perishable Goods Manufacturing, limited to: Baked goods and confectionery products manufacturing only (Ord. No. 9138, §1, 10/5/98)
- d. Precision Manufacturing
- e. Primary Manufacturing

C. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. 6.3.4

- a. Cemetery, subject to: Sec. 3.5.3.1.D

3. Vehicle Rental and Sales "36", subject to: Sec. 3.5.9.5.A and .B (Ord. No. 8653, §1, 2/26/96)
- C. Civic Use Group, Sec. 6.3.4
1. Civic Assembly "36"
 2. Correctional Use: Supervision Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.a, .8, and .10
 3. Cultural Use "36"
 4. Educational Use: Elementary and Secondary Schools "36", subject to: Sec. 3.5.3.7 (Ord. No. 9075, §1, 6/15/98)
 5. Educational Use: Postsecondary Institution and Instructional School "36" (Ord. No. 9075, §1, 6/15/98)
 6. Membership Organization "36"
 7. Postal Service "36"
 8. Protective Service "36"
 9. Religious Use "36"
- (Ord. No. 9075, §1, 6/15/98)
- D. Recreation Use Group, Sec. 6.3.7
1. Recreation "36"
- E. Residential Use Group, Sec. 6.3.8
1. Family Dwelling "X"
 2. Group Dwelling "36"
 3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "36", subject to: Sec. 3.5.7.8.C.4 and .D
 4. Residential Care Services: Rehabilitation Service - children's facilities "36", subject to: Sec. 3.5.7.8.A, .C.1, and .D
 5. Residential Care Services: Shelter Care - victims of domestic violence "36", subject to: Sec. 3.5.7.8.A, .C.3, and .D
- F. Restricted Adult Activities Use Group, Sec. 6.3.9, subject to: Sec. 3.5.8.1
1. Adult Commercial Services "36"
 2. Adult Recreation "36"
 3. Adult Retail Trade "36"

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DIVISION 6. MIXED USE ZONES
"OCR-2" OFFICE/COMMERCIAL/RESIDENTIAL ZONE

G. Storage Use Group, Sec. 6.3.11

1. Commercial Storage "36", subject to: Sec. 3.5.10.1
2. Personal Storage "36", subject to: Sec. 3.5.10.3.C and .F (Ord. No. 8653, §1, 2/26/96; Ord. No. 9631, §1, 12/10/01)

H. Utilities Use Group, Sec. 6.3.12

1. Distribution System "36", subject to: Sec. 3.5.11.1.A, .E, and .I

2.6.2.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Retail Trade Use Group, Sec. 6.3.10

1. Swap Meets and Auctions "36", subject to: Sec. 3.5.9.4 and approval through a Type IV Administrative Procedure, Sec. 5.4.3.4
2. Food and Beverage Sales - Large Retail Establishment "36", subject to: Sec. 3.5.9.7 and approval through a Type III Legislative Procedure, Sec. 5.4.2.3 (Ord. No. 9293, §1, 9/27/99)
3. General Merchandise Sales - Large Retail Establishment "36", subject to: Sec. 3.5.9.7 and approval through a Type III Legislative Procedure, Sec. 5.4.2.3 (Ord. No. 9293, §1, 9/27/99)

B. Residential Use Group, Sec. 6.3.8

1. Residential Care Services: Rehabilitation Service or Shelter Care "31", subject to: Sec. 3.5.7.8.A, .C.4, .D, and .H (no minimum lot size) and approval through a Type V Administrative Procedure, Sec. 5.4.3.5

C. Civic Use Group, Sec. 6.3.4

1. Correctional Use: Custodial Facility "8", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.b, .8, .9, and .10 and approval through a Type III Legislative Procedure, Sec. 5.4.2.3
2. Educational Use: Elementary and Secondary Schools "36", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5 (Ord. No. 9075, §1, 6/15/98)

D. Commercial Services Use Group, Sec. 6.3.5

1. Alcoholic Beverage Service - Large Bar "36", subject to: Sec. 3.5.4.19.B and approval through a Type III Legislative Procedure, Sec. 5.4.2.3
2. Communications "36", subject to: Sec. 3.5.4.20.B, .C, and .E.1, or Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.2, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)
3. Entertainment - Dance Hall "36", subject to: Sec. 3.5.4.19.B and approval through a Type III Legislative Procedure, Sec. 5.4.2.3

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"MU" MULTIPLE USE ZONE

Sec. 2.6.4.3

7. Communications "29", subject to: Sec. 3.5.4.20.A and approval through a Type V Administrative Procedure, Sec. 5.4.3.5 (Ord. No. 8813, §1, 3/3/97)
8. Communications "29", subject to: Sec. 3.5.4.20.B, .C, and .E.1, or Sec. 3.5.4.20.B, .C, and .E.2, or Sec. 3.5.4.20.B, .C, and .F.2, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97)
9. Construction Service "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
10. Day Care "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
11. Entertainment "29", subject to: Sec. 3.5.4.4.A, .B, .C, and .D, Sec. 3.5.4.19.C, and approval through a Type V Administrative Procedure, Sec. 5.4.3.5
12. Financial Service "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
13. Food Service "29", subject to: Sec. 3.5.4.6.C and approval through a Type V Administrative Procedure, Sec. 5.4.3.5
14. Funeral Service "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
15. Parking "38", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
16. Personal Service "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
17. Research and Product Development "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
18. Technical Service "29", subject to: Sec. 3.5.4.16.B and approval through a Type V Administrative Procedure, Sec. 5.4.3.5
19. Trade Service and Repair, Major, "29", subject to: Sec. 3.5.4.15 and approval through a Type V Administrative Procedure, Sec. 5.4.3.5
20. Trade Service and Repair, Minor, "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
21. Transportation Service, Land Carrier, "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
22. Travelers' Accommodation, Lodging, "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5

(Ord. No. 8813, §1, 3/3/97)

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ARTICLE II. ZONES
DIVISION 6. MIXED USE ZONES
"MU" MULTIPLE USE ZONE

D. Industrial Use Group, Sec. 6.3.6

1. Craftwork "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
2. General Manufacturing "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
3. Perishable Goods Manufacturing "29", subject to: Sec. 3.5.5.2.A and approval through a Type V Administrative Procedure, Sec. 5.4.3.5
4. Precision Manufacturing "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
5. Processing and Cleaning "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5

E. Retail Trade Use Group, Sec. 6.3.10

1. Construction Material Sales "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
2. Food and Beverage Sales "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
3. General Merchandise Sales "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5
4. Heavy Equipment Sales "29", subject to: Sec. 3.5.9.3 and approval through a Type V Administrative Procedure, Sec. 5.4.3.5
5. Vehicle Rental and Sales "29", subject to: Sec. 3.5.9.5.A and .B and approval through a Type V Administrative Procedure, Sec. 5.4.3.5 (Ord. No. 8653, §1, 2/26/96)

F. Storage Use Group, Sec. 6.3.11

1. Commercial Storage "29", subject to: Sec. 3.5.10.1 and approval through a Type V Administrative Procedure, Sec. 5.4.3.5
2. Personal Storage "29", subject to: Sec. 3.5.10.3.C and .F and approval through a Type V Administrative Procedure, Sec. 5.4.3.5 (Ord. No. 9631, §1, 12/10/01)

G. Utilities Use Group, Sec. 6.3.12

1. Distribution System "29", subject to: Sec. 3.5.11.1.A, .B, .E, .H, .I, and .K and approval through a Type V Administrative Procedure, Sec. 5.4.3.5

H. Wholesaling Use Group, Sec. 6.3.13

1. Business Supply and Equipment Wholesaling "29", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5

2. Residential Care Services: Rehabilitation Service or Shelter Care "35", subject to: Sec. 3.5.7.8.A, .C.4, .D, .E, and .F

F. Restricted Adult Activities Use Group, Sec. 6.3.9, subject to: Sec. 3.5.8.1

All activity, including the display of any retail items, is to occur within a completely enclosed building and is not to be visible from the exterior.

1. Adult Commercial Services "34"
2. Adult Industrial Uses "34"
3. Adult Recreation "34"
4. Adult Retail Trade "34"

G. Retail Trade Use Group, Sec. 6.3.10

1. Construction Material Sales "34"
2. Food and Beverage Sales "34"
3. General Merchandise Sales "34"
4. Heavy Equipment Sales "34", subject to: Sec. 3.5.9.3
5. Swap Meets and Auctions "34", subject to: Sec. 3.5.9.4 (limited to Auctions only)
6. Vehicle Rental and Sales "34", subject to: Sec. 3.5.9.5.A

H. Storage Use Group, Sec. 6.3.11

1. Commercial Storage "34", subject to: Sec. 3.5.10.1
2. Personal Storage "34", subject to: Sec. 3.5.10.3.C and .F (Ord. No. 9631, §1, 12/10/01)

I. Utilities Use Group, Sec. 6.3.12

1. Distribution System "34", subject to: Sec. 3.5.11.1.A, .B, and .D

J. Wholesaling Use Group, Sec. 6.3.13

1. Business Supply and Equipment Wholesaling "34"
2. Construction/Heavy Equipment Wholesaling "34"
3. Food and Beverage Wholesaling "34"

(Ord. No. 8722, §1, 6/24/96)

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ARTICLE II. ZONES
DIVISION 7. INDUSTRIAL ZONES
"I-1" LIGHT INDUSTRIAL ZONE

2.7.2.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "34", subject to: Sec. 3.5.7.10 and approval through a Type IV Administrative Procedure, Sec. 5.4.3.4

B. Commercial Services Use Group, Sec. 6.3.5

1. Alcoholic Beverage Service - Large Bar "36", subject to: Sec. 3.5.4.19.B and approval through a Type III Legislative Procedure, Sec. 5.4.2.3
2. Communications "36", subject to: Sec. 3.5.4.20.B, .C, and .E.1 or .E.2, or Sec. 3.5.4.20.B, .C, and .E.3, or Sec. 3.5.4.20.B, .C, and .F.2, or Sec. 3.5.4.20.B, .C, and .G (Ord. No. 8813, §1, 3/3/97; Ord. No. 9374, §1, 4/10/00)
3. Entertainment - Dance Hall "36", subject to: Sec. 3.5.4.19.B and approval through a Type III Legislative Procedure, Sec. 5.4.2.3
4. Food Service, limited to a soup kitchen, "34", subject to: Sec. 3.5.4.6.D and approval through a Type III Legislative Procedure, Sec. 5.4.2.3
5. Medical Service - Outpatient, limited to a blood donor center, "34", subject to: Sec. 3.5.4.8.C and approval through a Type III Legislative Procedure, Sec. 5.4.2.3 (Ord. No. 8722, §1, 6/24/96)

(Ord. No. 8813, §1, 3/3/97)

C. Retail Trade Use Group, Sec. 6.3.10

1. Swap Meets and Auctions "34", subject to: Sec. 3.5.9.4 and approval through a Type IV Administrative Procedure (Swap Meets), Sec. 5.4.3.4
2. Food and Beverage Sales - Large Retail Establishment "34", subject to: Sec. 3.5.9.7 and approval through a Type III Legislative Procedure, Sec. 5.4.2.3 (Ord. No. 9293, §1, 9/27/99)
3. General Merchandise Sales - Large Retail Establishment "34", subject to: Sec. 3.5.9.7 and approval through a Type III Legislative Procedure, Sec. 5.4.2.3 (Ord. No. 9293, §1, 9/27/99)

D. Civic Use Group, Sec. 6.3.4

1. Correctional Use - Custodial Facility "34", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.b, .8, .9, and .10 and approval through a Type III Legislative Procedure, Sec. 5.4.2.3
2. Correctional Use - Jail or Prison "34", subject to: Sec. 3.5.3.4.B.1, .3.e, .4.d, .5.c, .6.c, .7, .8, .9, and .10 and approval through a Type III Legislative Procedure, Sec. 5.4.2.3
3. Educational Use: Elementary and Secondary Schools, limited to Grades 9 through 12, "34", subject to: Approval through a Type V Administrative Procedure, Sec. 5.4.3.5 (Ord. No. 9075, §1, 6/15/98)

E. Industrial Use Group, Sec. 6.3.6

1. Perishable Goods Manufacturing "34", subject to: Sec. 3.5.5.1 and approval through a Type V Administrative Procedure, Sec. 5.4.3.5

(Ord. No. 9634, §2, 12/10/01)

2.7.2.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. 3.2.4 and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

- A. Family Dwelling is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.7.7.
- B. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. 3.5.10.2.A and .B.4.
- C. The following is permitted as a Secondary Land Use to all uses in the Commercial Services, Industrial, and Retail Trade Use Groups and to Educational Use.

1. Industrial Use Group, Sec. 6.3.6
 - a. Salvaging, subject to: Sec. 3.5.5.6.A and .C

(Ord. No. 8653, §1, 2/26/96)

D. The following is permitted as a Secondary Land Use to Alcoholic Beverage Service.

1. Industrial Use Group, Sec. 6.3.6
 - a. Perishable Goods Manufacturing, subject to: Sec. 3.5.5.2.F, .G, and .H

(Ord. No. 8653, §1, 2/26/96)

2.7.2.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. 3.2.5.

2.7.2.6 General Restrictions. The following restrictions apply to all land uses and development in this zone.

- A. Sec. 3.5.5.5.
- B. On land uses in the Industrial Use Group, traffic circulation must be designed so that access to the site is from a major street or from a local street which is not an internal residential neighborhood street and which does not provide access to residentially zoned areas unless no alternative exists. (Ord. No. 9078, §1, 6/22/98)

2.7.3 "I-2" HEAVY INDUSTRIAL ZONE.

2.7.3.1 Purpose. This zone provides for industrial uses that are generally nuisances, making them incompatible with most other land use. These nuisances may be in the form of air pollutants; excessive noise, traffic, glare, or vibration; noxious odors; the use of hazardous materials; or unsightly appearance.

2.7.3.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

A. Industrial Use Group, Sec. 6.3.6

1. Craftwork "35", subject to: Sec. 3.5.5.1
 2. General Manufacturing "35", subject to: Sec. 3.5.5.1
 3. Heavy Equipment Manufacturing "35", subject to: Sec. 3.5.5.1
 4. Motion Picture Industry "35", subject to: Sec. 3.5.5.1
 5. Perishable Goods Manufacturing "35", subject to: Sec. 3.5.5.1 and Sec. 3.5.5.2.A and .B (Ord. No. 8722, §1, 6/24/96)
 6. Precision Manufacturing "35", subject to: Sec. 3.5.5.1
 7. Processing and Cleaning "35", subject to: Sec. 3.5.5.1
 8. Salvaging "35", subject to: Sec. 3.5.5.6.B and .D (Ord. No. 8653, §1, 2/26/96)
- (Ord. No. 8582, §1, 9/25/95; Ord. No. 8722, §1, 6/24/96)

B. Commercial Services Use Group, Sec. 6.3.5

1. Administrative and Professional Office "35"
2. Automotive - Service and Repair "34" (Ord. No. 9138, §1, 10/5/98)
3. Billboard "32", subject to: Sec. 3.5.4.26 and the Regulations of Chapter 3, Advertising and Outdoor Signs, of the Tucson Code (Ord. No. 8610, §1, 11/27/95)
4. Building and Grounds Maintenance "35"
5. Communications "35", subject to: Sec. 3.5.4.20.A or Sec. 3.5.4.20.B, .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)
6. Day Care "35"
7. Financial Service "35"
8. Food Service "35"

9. Parking "35"
10. Research and Product Development "35"
11. Technical Service "35"
12. Trade Service and Repair, Major, "35", subject to: Sec. 3.5.4.15
13. Trade Service and Repair, Minor, "35"
14. Transportation Service, Land Carrier, "35"
15. Travelers' Accommodation, Lodging, "35"

(Ord. No. 8610, §1, 11/27/95; Ord. No. 8722, §1, 6/24/96; Ord. No. 9138, §1, 10/5/98)

C. Retail Trade Use Group, Sec. 6.3.10

1. Construction Material Sales "35"
2. General Merchandise Sales "35"
3. Heavy Equipment Sales "35", subject to: Sec. 3.5.9.3
4. Swap Meets and Auctions "35", subject to: Sec. 3.5.9.4
5. Vehicle Rental and Sales "35", subject to: Sec. 3.5.9.5.A (Ord. No. 8653, §1, 2/26/96)

(Ord. No. 8722, §1, 6/24/96)

D. Storage Use Group, Sec. 6.3.11

1. Commercial Storage "35"
2. Personal Storage "35", subject to: Sec. 3.5.10.3.C and .F (Ord. No. 9631, §1, 12/10/01)

(Ord. No. 8722, §1, 6/24/96)

E. Utilities Use Group, Sec. 6.3.12

1. Distribution System "35"

(Ord. No. 8722, §1, 6/24/96)

F. Wholesaling Use Group, Sec. 6.3.13

1. Business Supply and Equipment Wholesaling "35"
2. Construction/Heavy Equipment Wholesaling "35"

3. Food and Beverage Wholesaling "35"

(Ord. No. 8722, §1, 6/24/96)

G. Any Land Use Class not allowed as a Permitted Land Use or a Special Exception Land Use in any other zone or as a Special Exception Land Use within the I-2 zone, provided the Development Designator used is the one listed below for the respective use group.

1. Agricultural Use Group, Sec. 6.3.3, "30"
2. Civic Use Group, Sec. 6.3.4, "34"
3. Commercial Services Use Group, Sec. 6.3.5, "30"
4. Industrial Use Group, Sec. 6.3.6, "35", subject to: Sec. 3.5.5.1
5. Recreation Use Group, Sec. 6.3.7, "35"
6. Restricted Adult Activities Use Group, Sec. 6.3.9, "30"
7. Retail Trade Use Group, Sec. 6.3.10, "30"
8. Storage Use Group, Sec. 6.3.11, "35"
9. Utilities Use Group, Sec. 6.3.12, "35"
10. Wholesaling Use Group, Sec. 6.3.13, "35"

(Ord. No. 8722, §1, 6/24/96)

Editor's Note: Sec. 2.7.3.2.B was repealed by Ord. No. 8722, §1, adopted by Mayor and Council on June 24, 1996. As a result of this revision, the remaining Land Use Groups and Classes within this Section were realphabetized and renumbered for consistency with the remainder of the Code.

2.7.3.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3. For further information concerning Special Exception Land Use applicability, refer to Sec. 5.3.9. (Ord. No. 8653, §1, 2/26/96)

A. Agricultural Use Group, Sec. 6.3.3

1. Stockyard Operation "35", subject to: Approval through a Type III Legislative Procedure, Sec. 5.4.2.3

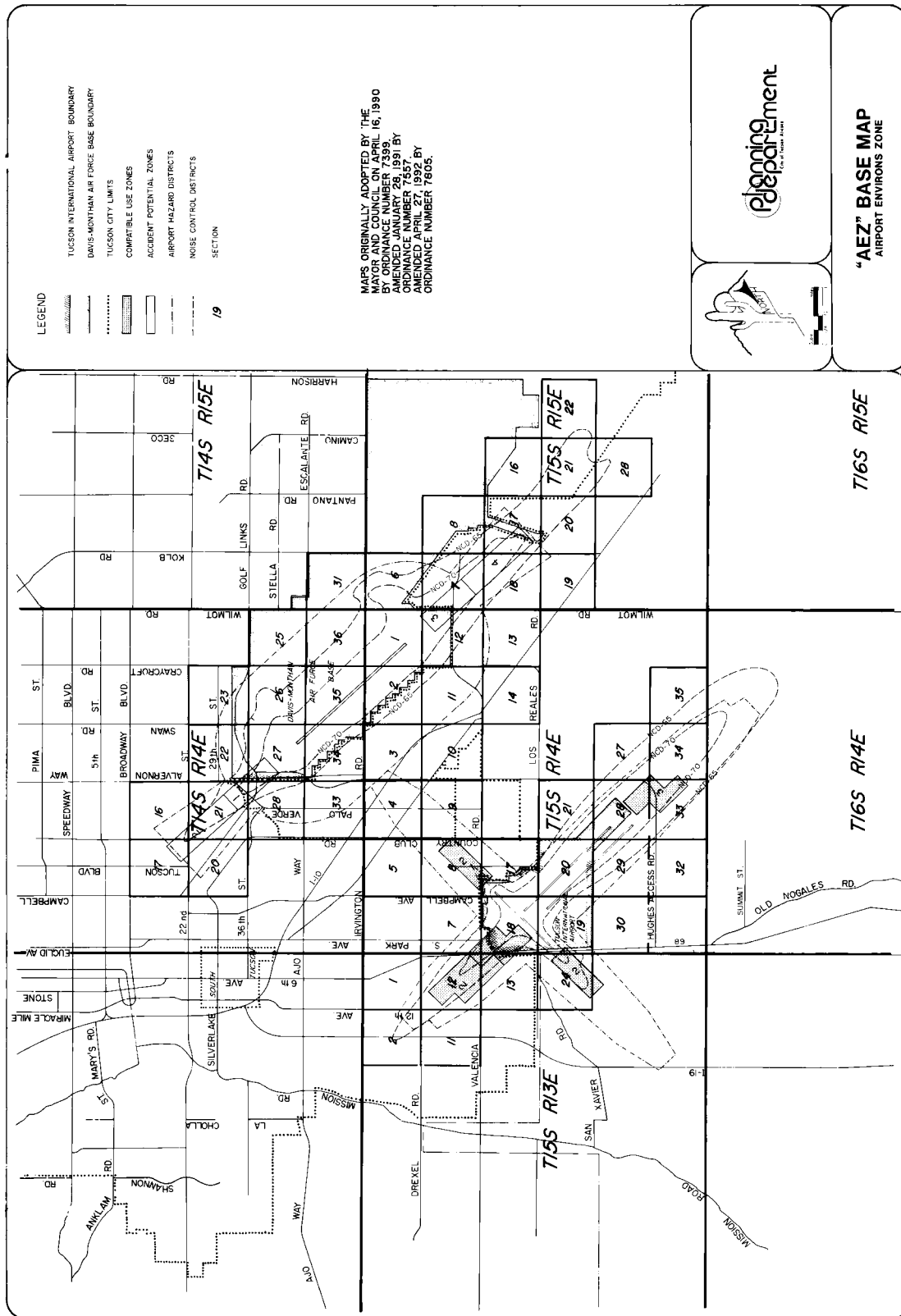
(Ord. No. 8722, §1, 6/24/96)

B. Civic Use Group, Sec. 6.3.4

1. Correctional Use - Custodial Facility "35", subject to: Sec. 3.5.3.4.B.1, .3.a, .4.b, .5.b, .8, .9, and .10 and approval through a Type III Legislative Procedure, Sec. 5.4.2.3

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Sec. 2.8.5.9



Map 2.8.5.2-1 AEZ Base Map

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ENVIRONMENTAL RESOURCE ZONE (ERZ)

2.8.6 ENVIRONMENTAL RESOURCE ZONE (ERZ).

- 2.8.6.1 Purpose. These regulations are intended to recognize the value of Tucson's natural open space resources, particularly the critical and sensitive wildlife habitat of eastern Pima County associated with public monuments, forests, and preserves. These regulations relate to areas associated with Tucson's public lands and preserves, including Saguaro National Park, Coronado National Forest, and Tucson Mountain Park. It is the intent of these regulations to protect valuable habitat resources to the greatest extent possible. Development, compatible with these public resources, is allowed.

This overlay zone specifically serves to:

- A. Recognize the social, economic, environmental, biologic, and cultural importance of Saguaro National Park and Tucson Mountain Park to the city of Tucson.
- B. Buffer Saguaro National Park and Tucson Mountain Park from the impacts of new development by allowing development which is compatible with preservation of critical wildlife habitat and the Park environs.
- C. Conserve certain designated washes which extend from the Parks as areas of natural and scenic resources and provide valuable wildlife habitat.
- D. Complement the City of Tucson Interim Watercourse Improvement Policy which provides for flood control, erosion mitigation, and groundwater recharge through the preservation of designated washes in natural and undisturbed states.
- E. Assist in implementing the *General Plan* policies which call for the preservation of Tucson's significant natural areas along designated watercourses where identified in adopted area and neighborhood plans. (Ord. No. 9517, §2, 2/12/01)

2.8.6.2 Applicability.

- A. *Areas Mapped.* Parcels which may contain critical riparian habitat are shown on a series of maps approved by the Mayor and Council called the Environmental Resource Zone Overlay Maps (ERZ Maps) which are an exhibit to this ordinance incorporated herein by reference and kept on file in the Planning Department and the Development Services Department (DSD). ERZ Maps will include all parcels along the subject washes which may contain riparian habitat, including those parcels that are not vacant. These maps are based on the Critical and Sensitive Wildlife Habitat Map which the Mayor and Council adopted by Resolution #15149. (Ord. No. 9392, §1, 5/22/00)
- B. *Resource Corridors.* Critical riparian habitat is associated with resource corridors along the following washes and their tributaries, which are shown on the Environmental Resource Zone Overlay Maps (ERZ Maps): 1) Agua Caliente; 2) Ajo; 3) Anklam; 4) Camino de Oeste; 5) Coronado Ridge; 6) Cuprite; 7) Enchanted Hills; 8) Escalante; 9) Este; 10) Fagan; 11) Flato; 12) Franco; 13) Greasewood; 14) Julian; 15) North Fork Airport; 16) Petty Ranch; 17) Race Track; 18) Reyes; 19) Rincon Creek; 20) San Juan; 21) Silvercroft; 22) South Fork Airport; 23) Summit; 24) Tanque Verde Creek; 25) Thomas Sousa; 26) portions of the West Branch of the Santa Cruz; and 27) West Speedway (Painted Hills). (Ord. No. 8423, §3, 12/12/94; Ord. No. 8625, §1, 1/2/96; Ord. No. 8659, §1, 3/4/96; Ord. No. 8839, §1, 3/17/97; Ord. No. 8868, §1, 5/5/97; Ord. No. 9615, §2, 10/1/01)
- C. *New Development.* New development which occurs on parcels shown on the Environmental Resource Zone Overlay Maps (ERZ Maps) will be reviewed for compliance with these regulations.

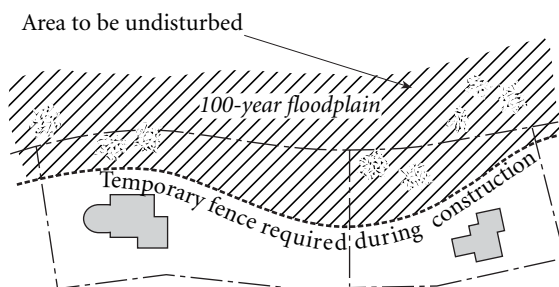
- D. *Rezoning.* Rezoning applications for parcels adjacent to the washes listed above, but not shown on the Environmental Resource Zone Overlay Maps (ERZ Maps), are subject to these regulations.
- E. *Approved Subdivisions.* Where a recorded plat shown on the ERZ Maps is resubdivided, it must comply with these regulations.
- F. *Annexation.* As annexation occurs, additional resource corridors or extensions of resource corridors may be added to the ERZ Maps.

2.8.6.3 Exceptions. These regulations do not apply to the following.

- A. Any single-family residence or other development existing as of July 3, 1990, or any expansion of up to twenty-five (25) percent of either an existing residence or other development.
- B. Any lot or parcel to be developed with one (1) single-family residence where all development and the residence and any accessory structures are located outside of the critical riparian habitat area.
- C. Any subdivision which was recorded prior to August 3, 1990, as long as:
 - 1. Substantial construction occurs within five (5) years after August 3, 1990, and
 - 2. Construction occurs in accordance with the approved plat.
- D. Where these regulations affect a parcel which is also subject to the Hillside Development Zone regulations, these regulations do not apply as long as there is no encroachment into the one hundred (100) year floodplain.

2.8.6.4 Review and Approval Required. Two (2) options are available for development under these regulations.

- A. *No Encroachment in Floodplain.* Where the owner of a lot or parcel affected by these regulations chooses to leave the one hundred (100) year floodplain undisturbed, the Environmental Resource Zone (ERZ) does not apply except that temporary fencing will be placed between the project site and the floodplain area as provided in Sec. 2.8.6.6.B; where permitted by the floodplain ordinance, development in this floodplain area is allowed as provided in Sec. 2.8.6.6. (*See Illustration 2.8.6.4.A.*) (Ord. No. 9138, §1, 10/5/98)



2.8.6.4 .A No Encroachment in Floodplain (ERZ)

- B. *Study of Resource Corridor.* Where the owner of a lot or parcel affected by these regulations chooses to do a study of the resource corridor, a development submittal containing the following information is provided in accordance with submittal requirements of the Tucson Code, Chapter 23A, Sec. 2.2.3. (Ord. No. 9392, §1, 5/22/00)

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1. Submittal material will include an Environmental Resource Report as established in Development Standard 2-13.0. This Report presents a study of the resource corridor and documents locations of the resource corridor and critical riparian habitat.
2. If preservation of the critical riparian habitat cannot be accomplished as provided in these regulations, the submittal will include a mitigation plan as required in Sec. 2.8.6.5.D.
3. Permits for grubbing, grading, construction, or any other improvements will not be issued until all applicable requirements of Sec. 2.8.6.5 and Sec. 2.8.6.6 are met.

2.8.6.5 Development Regulations.

- A. *Preservation of Critical Riparian Habitat.* Preservation of one hundred (100) percent of critical riparian habitat areas within the resource corridors for parcels shown on the ERZ Maps is required, except as provided in Sec. 2.8.6.4 and Sec. 2.8.6.6. The critical riparian habitat area may be included as part of any required open space on the site.
- B. *Residential Development.* Residential development of four (4) or more dwelling units is allowed only as provided in Sec. 3.6.1, Residential Cluster Project (RCP), except as provided in Sec. 2.8.6.3.B. Use of the RCP provides for the maximum amount of critical riparian habitat preservation while preserving density options.
- C. *Nonresidential Development.* Nonresidential development is allowed based on underlying zoning.
- D. *Mitigation Plan.* Where preservation of the critical riparian habitat area cannot be accomplished as provided in these regulations, the owner is required to submit a mitigation plan, which will be reviewed in accordance with Chapter 23A, of the Tucson Code, Sec. 2.2.3, containing the following. (Ord. No. 9392, §1, 5/22/00)
 1. A statement of findings as to why one hundred (100) percent preservation of the critical riparian habitat area cannot be accomplished.
 2. The plan will document the specific impact of the development on existing critical riparian habitat areas within the resource corridor.
 3. The mitigation plan will present the techniques considered to lessen the impacts of the development on the critical riparian habitat areas. The techniques employed by the development project should protect remaining critical riparian habitat and restore critical riparian habitat areas disturbed during construction. This may be done through clustering development away from substantial amounts of critical riparian habitat, enhancement of degraded critical riparian habitat areas through revegetation or restoration, or other means appropriate to the type of project. (*See Illustration 2.8.6.5.D.3.*)

- B. *Temporary Fencing Required.* No grubbing, grading, or construction will occur on a project site which includes areas designated to be retained in a natural state until those designated areas are temporarily fenced.
- C. *Inspection of Fencing.* All temporary fencing will be field inspected before any construction on the site begins. Fencing will be removed only on completion of construction. (Ord. No. 9392, §1, 5/22/00)

2.8.6.7 Standards for Fences, Walls, and Exterior Lighting. The following will be reviewed as provided in Sec. 2.8.6.5.

- A. *Fences and Walls.* Neither fences nor walls will be allowed which impede wildlife movement through designated critical riparian habitat areas except for temporary fencing. If barbed wire fencing is used, the bottom and top wire must be barbless; bottom clearance of at least eighteen (18) inches from the ground is required.
- B. *Exterior Lighting.* Lighting sources will be confined to wall-mounted fixtures or standards a maximum of forty-two (42) inches in height, spaced to create pools of light rather than a saturated condition. Neither high-pressure sodium nor mercury vapor lighting will be used. All lighting sources will be shielded to reduce dispersed light.

2.8.6.8 Variances and Appeals.

A. *Variance Requests.*

- 1. The Development Review Board (DRB) shall review all requests for variances from Environmental Resource Zone (ERZ) regulations as provided in Sec. 5.1.8.3.F and shall forward its recommendations in accordance with Sec. 5.1.8.2.F.
- 2. If the City Engineer or designee, a notified property owner, or the applicant for the variance requests consideration of stormwater management issues related to the variance, the Stormwater Technical Advisory Committee (STAC) may review the variance request concurrently with the Development Review Board (DRB) and may provide written or oral testimony at the public hearing for the variance request. Any such testimony must address the required findings. (Ord. No. 9392, §1, 5/22/00)

(Ord. No. 9179, §1, 12/14/98)

B. *Appeals of the Decision on the Mitigation Plan.*

- 1. Appeals of the Development Services Department (DSD) Director's decision on the mitigation plan are reviewed by the Development Review Board (DRB) as provided in Sec. 5.4.4.3.C and in accordance with Sec. 5.1.8.3.E if the DRB did not review the application prior to the DSD Director's Decision. The DRB will forward a recommendation to the Mayor and Council in accordance with Sec. 5.1.8.2.F. (Ord. No. 9392, §1, 5/22/00)
- 2. The Mayor and Council shall decide appeals in accordance with Sec. 5.4.4.3, Type III Appeal Procedure, based on the record and on any recommendations received from the Development Review Board (DRB).

(Ord. No. 9179, §1, 12/14/98)

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- C. *Proposed Land Use Code (LUC) Amendments.* The Stormwater Advisory Committee (SAC) may review all proposed amendments to this Section and may provide written conclusions and recommendations to the Director of the Department of Transportation to be forwarded to the Planning Commission and the Mayor and Council prior to public hearings on the proposed amendments. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9582, §3, 8/6/01)

2.8.7 DOWNTOWN HERITAGE INCENTIVE ZONE.

- 2.8.7.1 Review of Demolition Permits Required. No demolition permit shall be issued by the City for all or any part of those certain structures located within the Downtown Heritage Incentive Zone, nor shall any person demolish or cause to be demolished such structures or any part of such structures, except in accordance with the requirements of this Section. Review of demolition requests within the Downtown Heritage Incentive Zone shall be considered in accordance with Sec. 5.4.2.6, Type VI Legislative Procedure.

Exception. The requirements of this Section do not apply if the Development Services Department (DSD) Director determines that the structure for which a demolition permit is submitted is in imminent danger of collapse so as to endanger its occupants, other persons, or neighboring structures and if repairs would be impracticable. In such cases, emergency demolition procedures shall be followed in accordance with Chapter 6, of the *Tucson Code*. (Ord. No. 9392, §1, 5/22/00)

- 2.8.7.2 Structures Listed on, or Eligible for, the National Register of Historic Places or the Arizona Register of Historic Places. Eligibility criteria are established for the National Register of Historic Places by federal historic preservation statutes and for the Arizona Register of Historic Places by the rules and regulations promulgated by the Arizona State Parks Board under Arizona Revised Statutes (ARS), Sec. 41-511.04(A)(9). Applications for demolition permits for structures that are listed on or eligible to be listed on the National Register of Historic Places or the Arizona Register of Historic Places shall be reviewed in accordance with Sec. 5.4.2.6, Type VI Legislative Procedure, and shall also be subject to the following.

- A. *Application.* In addition to a demolition permit application, the applicant for a demolition permit shall submit the following information.
1. A summary of the structure's history.
 2. An economic analysis of the present use of the structure.
 3. Where applicable, an analysis of the feasibility of restoration.
 4. An economic analysis of the structure following restoration.
- B. *Standards of Review.* The following criteria shall be considered in the review of demolition permit applications for structures on, or eligible for, the National Register of Historic Places or the Arizona Register of Historic Places.
1. The structure's individual historic significance.
 2. The structure's relationship to buildings in its immediate vicinity in terms of scale, size, or massing.
 3. Whether the structure yields a reasonable economic return in its present condition.
 4. Whether preservation of the structure is physically and economically feasible and, if preserved, whether the structure would yield a reasonable economic return.
- C. *Decision by the Mayor and Council.* The Mayor and Council shall review the demolition permit application and, after holding a public hearing on the application, render a decision of approval or deferral.

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1. If the application is approved, the Development Services Department (DSD) Director shall be notified immediately and a demolition permit issued to the applicant.
2. If the application is deferred, Mayor and Council may delay the issuance of a permit for a period of up to one hundred twenty (120) days to provide time for the applicant and the City to explore alternatives to demolition.
 - a. In determining the number of days the issuance of a building permit will be delayed, the Mayor and Council shall consider the previous good faith efforts by the applicant to sell or lease the site to someone who will agree to preserve the structure for at least five (5) years or to pursue other alternatives to demolition.
 - b. The Mayor and Council may shorten the duration of the assessed delay period if, subsequent to the public hearing, the applicant makes a good faith effort to sell the site to someone who will agree to preserve the structure for at least five (5) years or to pursue other alternatives to demolition. Evidence of a good faith effort shall be presented to the Planning Director and shall be forwarded to the Mayor and Council for consideration at their next available meeting.
3. Evidence of a good faith effort to sell or lease includes one (1) or more of the following.
 - a. Providing notice to the Downtown Heritage Task Force and the Tucson-Pima County Historical Commission of the sales effort.
 - b. Listing the property with a licensed real estate broker.
 - c. Advertising in the newspaper.
 - d. Placing a "for sale" sign on the property.
 - e. Providing other such evidence deemed appropriate by the Mayor and Council.
4. Notwithstanding Sec. 2.8.7.2.E.2, the City shall not withhold issuance of a demolition permit after one hundred eighty (180) days from the date of acceptance of a demolition permit application by the Planning Director.

2.8.7.3 Penalties and Remedies for Unauthorized Demolition. Any person who demolishes, or causes to be demolished, a structure subject to these regulations without compliance with the required procedures established by the Downtown Heritage Incentive Zone is subject to:

- A. A mandatory fine of not less than two thousand dollars (\$2,000.00) nor more than two thousand five hundred dollars (\$2,500.00) per violation.
- B. In addition to any fine imposed pursuant to Sec. 2.8.7.3.A, one (1) of the following will be imposed.
 1. Reconstruction or restoration of a designated structure, site, or landmark to its appearance prior to the violation.
 2. Prohibition or restriction of building permits for new construction on the lot or of permits involving work in the public right-of-way, for not less than two (2) years but not more than seven (7) years.

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- C. Upon the finalization of judgment setting forth a remedy or penalty as provided in Sec. 2.8.7.3.A and Sec. 2.8.7.3.B, the Planning Director will record the judgment in the Office of the Pima County Recorder.
- D. In addition to any fine imposed pursuant to Sec. 2.8.7.3.A, the Planning Director will, upon finalization of judgment:
 - 1. Issue a formal complaint with the Arizona State Registrar of Contractors against any contractor or company involved with an unauthorized demolition; and
 - 2. Issue a formal notification of the violation to the State Historic Preservation Office regarding the unauthorized demolition.
- E. The following factors will be considered in imposing any penalty or remedy pursuant to Sec. 2.8.7.3.A or Sec. 2.8.7.3.B.
 - 1. Whether the structure is one of the last remaining examples of its kind in the Downtown Heritage Incentive Zone.
 - 2. Whether there exists sufficient documentation, plans, or other data so as to make reconstruction of the structure feasible.
 - 3. The age of the original structure and all subsequent additions and modifications.
 - 4. The physical condition of the structure immediately prior to its total or partial demolition.
 - 5. The amount of demolition sustained by the structure.
 - 6. Whether the structure could have been put to a reasonable economic use either prior to or after rehabilitation if total or partial demolition had not occurred.
 - 7. Whether the person responsible for the unauthorized demolition has a legal or equitable interest in the structure.
 - 8. Whether, at the time of the demolition, the person responsible for the unauthorized demolition either knew or should have known that the structure was subject to a demolition permit review process.

6. *Central Features and Community Spaces.* The project is to provide attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops should be considered integral parts of the configuration whether they are located on-site or along the street. Customer drop-off/pick-up points that may be provided should also be integrated into the design (should not conflict with traffic lanes or pedestrian paths). Pedestrian ways shall be anchored by special design features, such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development should have at least two (2) of these.
7. *Delivery and Loading Spaces.* Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to adjoining residential neighborhoods. If there is a residential use or residentially zoned property adjacent to the site, such operations shall not be permitted between 10:00 p.m. and 7:00 a.m. Delivery and loading spaces shall be set back at least two hundred (200) feet from a residential use or residentially zoned property that is adjacent to the site, unless such operations are located entirely within an enclosed building, provided it is no closer than the allowable building setback.

Delivery trucks shall not be parked in close proximity to or within a designated delivery or loading area during nondelivery hours with motors and/or refrigeration/generators running, unless the area where the trucks are parked is set back at least three hundred (300) feet from residential property to mitigate the truck noise. The setback does not apply if the main building is located between the truck parking and the residential use or residentially zoned property to act as the screen.

The delivery and loading areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent properties. The screen shall be of masonry construction and at least ten (10) feet high, measured from the loading dock floor elevation, to screen the noise and activity at the loading dock. The masonry screen assures the highest level of noise abatement. It would be preferred that the delivery and loading spaces be enclosed within a building or placed between buildings in a manner which would allow the buildings to act as screens.

8. *Traffic Impacts.* The applicant shall have a professional entity perform a Traffic Impact Analysis (TIA) report for the development using the Institute of Transportation Engineers' Trip Generation publication as the standard for trip generation calculation, as well as a parking generation report proposing the number of motor vehicle parking spaces required for the project, if different from shopping center calculations. The scope and criteria for the TIA report shall be approved by the Department of Transportation, prior to submittal of the TIA report. The parking generation report shall be accepted by the Department of Transportation and the Planning Department, prior to the first public hearing. The TIA report shall identify traffic flow impacts on the public streets; recommend mitigation measures to address those conditions that fall below the standards established by the adopted regional Mobility Management Plan; and show how the applicant will provide the recommended improvements. The Mayor and Council may approve a parking requirement that supersedes the number required by Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, as part of their review process. The TIA and parking generation reports are applicable to a specific application. Any change to the specific proposed use of the site and buildings requires resubmittal, review, and approval of a revised TIA report and revised parking generation report. (Ord. No. 9666, §1, 1/29/02)
9. *Outdoor Lighting.* Provide a photometric plan and outdoor lighting report which provide information on how outdoor lighting is addressed to mitigate negative impacts on adjacent residential uses or residentially zoned properties. The report will also address the negative impacts of outdoor lighting between the hours of 10:00 p.m. and 7:00 a.m. on adjacent residential properties or zones and how they will be mitigated. Outdoor lighting between 10:00 p.m. and 7:00 a.m. shall be limited to low-pressure sodium lighting.

10. *Outdoor Sales Display/Ancillary Uses.* Provide measures to mitigate any negative impacts to a residential use or residentially zoned property that is adjacent to the site from the location of any outdoor activity associated with services to the public, such as, but not limited to, outdoor merchandise display and sales, outdoor storage, and outdoor snack bar and eating areas. The outside activity will be set back at least two hundred fifty (250) feet and oriented to face away from any residential use or residentially zoned property that is adjacent to the site, unless a building is located between the activity and the residential property.
11. *Hazardous Materials.* Provide a Hazardous Materials Management Plan and Hazardous Materials Inventory Statement as provided in the Fire Code to assure that the building site and design will protect public health and safety from accidental exposure to hazardous materials as provided in the Tucson Fire Code.
12. *Noise Abatement.* Provide a noise mitigation plan indicating how the noise initiated by the land use will be mitigated to comply with noise regulations in Chapter 11 of the Tucson Code. Trucks shall not be left idling between the hours of 6:00 p.m. and 7:00 a.m.
13. *Combination of Retail with Food and Beverage Sales.* General Merchandise Sales and retail sales shall not be combined with Food and Beverage Sales except where one of the Land Use Classes consists of less than ten (10) percent of the gross floor area.

B. *Aesthetic Character of Buildings.*

1. *Facades and Exterior Walls Including Sides and Back.* The building shall be designed in a way which will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Long building walls shall be broken up with projections or recessions with depths of at least three (3) percent of the façade length along all sides of the building. Along any public street frontage, the building design should include windows, arcades, or awnings along at least sixty (60) percent of the building length. Architectural treatment, similar to that provided to the front façade, shall be provided to the sides and rear of the building to mitigate any negative view from adjacent properties and/or streets.
2. *Detail Features.* Provide architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall, front, side, or rear, with color, texture change, wall offsets, reveals, or projecting ribs.
3. *Roofs.* The roof design shall provide variations in roof lines to add interest to, and reduce the massive scale of, large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall include two (2) or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look, unless it is in keeping with the architectural style of the building, e.g., Santa Fe style with smooth walls.
4. *Materials and Color.* The buildings shall have exterior building materials and colors, which are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. Certain types of colors shall be avoided, e.g., fluorescent or metallic. Construction materials, such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar material shall be avoided, unless the exterior surface is covered with an acceptable architectural treatment.
5. *Entryways.* The building design shall provide design elements which give customers orientation on accessibility and which add aesthetically pleasing character to buildings by providing clearly-defined, highly-visible customer entrances.

6. *Screening of Mechanical Equipment.* Roof- or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally with the design of the building, whether it is with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

Ground-mounted mechanical equipment shall be screened. The screen shall be of masonry construction and be of sufficient height to block the view and noise of the equipment.

- C. *Development Review Board (DRB).* All proposed Large Retail Establishments shall be reviewed by the Development Review Board (DRB) for recommendation to the Development Services Department (DSD) director, who will make a recommendation on whether it complies with the performance criteria. The DRB will base its recommendation on whether or not the project complies with the performance criteria related to compatibility, architecture, and site design, as provided in Sec. 3.5.9.7 where specific requirements are not provided. The applicant is responsible for providing all documentation and information necessary to show compliance, such as, but not limited to, site plans, building elevations, landscaping plans, floor plans, and outdoor lighting photometry plan.

(Ord. No. 9293, §1, 9/27/99)

3.5.10 STORAGE USE GROUP.

3.5.10.1 Commercial Storage.

- A. Adjacent to a residential use or zone, outdoor storage shall comply with the following.
1. Storage material shall not be visible from outside the screen.
 2. Outdoor lighting shall be directed away from adjacent residential uses and zones.
- B. Outdoor storage, when permitted, shall not be located in the street perimeter yard.

3.5.10.2 Hazardous Material Storage.

- A. Aboveground storage tanks for the storage of hazardous materials, such as, but not limited to, hydrogen, gasoline, diesel fuel, automotive fluids, oil, or waste-oil, are permitted as accessory uses in conjunction with and for the purpose of a principal Permitted Land Use. (Ord. No. 8864, §1, 4/28/97)
1. Exceptions.
 - a. A tank used for storing propane, water, or heating oil for consumptive use on the premises is not regulated by this Section.
 - b. Aboveground storage tanks that are not located within an enclosed building are not permitted within the Scenic Corridor Zone (SCZ).
 2. No person shall install an accessory aboveground storage tank unless the tank meets the following requirements.
 - a. The tank shall be used only for the purpose of servicing the vehicles used or serviced in connection with a permitted principal use. The tanks shall not be open for use by the public.
 - b. Except as specified in this Section, the setback regulations of the zoning district in which the tanks shall be located apply to all accessory storage tanks.

1. If the Fire Chief approves the location of a tank within an enclosed building, the minimum setbacks shall be determined by the Fire Chief, provided that the setbacks are not less than those required by the zoning district.
 2. A tank that is not located within an enclosed building shall be set back as follows.
 - a. A minimum of fifty (50) feet from any property line adjacent to any area where, in the opinion of the Fire Chief, the tank could present a hazard or danger to person or property.
 - b. A minimum of two hundred (200) feet from any property line adjacent to R-3 or more restrictive zoning, or the tank location must be approved through a Type V Administrative Procedure, Sec. 5.4.3.5.
 - c. The tank must be screened by a wall equal to the height of the tank.
 - d. The maximum permitted diameter of a tank is ninety-five (95) inches, except that, on ten thousand (10,000) gallon storage tanks, the maximum diameter may be increased to ten (10) feet. (Ord. No. 8864, §1, 4/28/97)
 - e. The maximum permitted height of a tank, excepting venting, manways, and filler caps, is ten (10) feet above grade, except that, on ten thousand (10,000) gallon storage tanks, the maximum height may be increased to twelve (12) feet above grade. (Ord. No. 8864, §1, 4/28/97)
 - f. An aboveground storage tank must have a secondary containment tank.
 - g. A concrete pad must be provided under all tanks.
 - h. The construction, installation, and location of the aboveground storage tanks and the types of materials to be stored in the tanks must be approved by the Fire Chief.
 3. These regulations do not supersede or replace any other applicable city, county, state, or federal regulations and requirements for aboveground storage tanks.
- B. The maximum capacity of each aboveground storage tank is as follows.
1. Capacity of one thousand (1,000) gallons is permitted.
 2. Capacity of two thousand (2,000) gallons is permitted.
 3. Capacity of four thousand (4,000) gallons is permitted.
 4. Capacity of ten thousand (10,000) gallons is permitted.

3.5.10.3 Personal Storage.

- A. All storage shall be within enclosed buildings.
- B. Access shall be from a collector or arterial street.
- C. All walls or doors visible from adjacent streets and residential properties shall be surfaced with a nonreflective material. (Ord. No. 8653, §1, 2/26/96)
- D. Maximum individual unit size: Two hundred (200) square feet of floor area.

- E. Razor or barbed wire may not be used.
- F. The facility's exterior façade visible from adjoining residential properties or street frontage shall be earth tone in color and of masonry, stucco, or similar materials. (Ord. No. 9631, §2, 12/10/01)
- G. Maximum site area: Three (3) acres. (Ord. No. 9631, §2, 12/10/01)

3.5.11 UTILITIES USE GROUP.

3.5.11.1 Distribution System.

- A. The setback of the facility, including walls or equipment, is twenty (20) feet from any adjacent residential zone.
- B. Where a facility is not enclosed within a building, the surrounding screen shall be used as the building wall for the purposes of setbacks in Sec. 3.2.3.2.
- C. The setback of the facility, including walls or equipment, is two hundred (200) feet from any existing adjacent residential zone. This setback may be varied as provided in Sec. 5.3.3, Variances. (Ord. No. 9179, §1, 12/14/98)
- D. Where a water tower more than twenty (20) feet in height is used in conjunction with such facilities, its center shall be located a distance from any lot line equal to not less than one-half (1/2) its height.
- E. The use may not have any service or storage yards.
- F. Noise emission at the property line is to be equivalent to the residential requirements of the noise ordinance.
- G. No TVI (television interference) or RIV (radio interference) on a continuous basis is permitted.
- H. Any building housing such facility shall be in keeping with the character of the zone in which it is located. The Development Review Board (DRB) shall review all applications and make recommendations to the Zoning Examiner. The DRB reviews architectural style, building elevations, materials on exterior facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features.
- I. The use must be located wholly within an enclosed building or within an area enclosed on all sides with a masonry wall or compact evergreen hedge, not less than six (6) feet, nor more than ten (10) feet, in height.
- J. The use must include a ten (10) foot high wall in an earth tone and vegetative landscaping where contiguous to a residential zone.
- K. Limited to water pumping and storage facilities, telephone exchanges, and power substations with an input voltage of no greater than one hundred thirty-eight (138) kilovolts.

3.5.12 WHOLESALE USE GROUP.

Reserved.

3.5.13 GENERALLY APPLIED CRITERIA.3.5.13.1 Access.

- A. The use must have primary vehicular access from an arterial street.
- B. The use must have access from a paved public street on the *Major Streets and Routes (MS&R) Plan*.

3.5.13.2 Hours. The principal use is restricted to hours of operation of 7:00 a.m. to 10:00 p.m.3.5.13.3 Lighting. In addition to the requirements of Chapter 6, Section 6-101, Outdoor Lighting Code, of the Tucson Code, any outdoor lighting utilized in conjunction with the use shall be located and directed so as to eliminate glare toward streets and adjoining R-3 or more restrictive zoning.3.5.13.4 Noise. In addition to the requirements of Chapter 11, Article II, Noise, of the Tucson Code, the use must be located within an enclosed building. There shall be no openings on the side of the building adjacent to R-3 or more restrictive zoning.3.5.13.5 Outdoor Activity. Activity may occur outdoors.3.5.13.6 Screening. In addition to the requirements of Sec. 3.7.3, there must be a screen wall at least five (5) feet in height between this use and any residential zone.

ARTICLE V. ADMINISTRATION

DIVISION 1. POWERS AND DUTIES

SECTIONS:

- 5.1.1 PURPOSE
 - 5.1.2 MAYOR AND COUNCIL
 - 5.1.3 CITY MANAGER
 - 5.1.4 PLANNING DEPARTMENT
 - 5.1.5 PLANNING COMMISSION
 - 5.1.6 ZONING EXAMINER
 - 5.1.7 BOARD OF ADJUSTMENT (B/A)
 - 5.1.8 DEVELOPMENT REVIEW BOARD (DRB)
 - 5.1.9 TUCSON-PIMA COUNTY HISTORICAL COMMISSION
 - 5.1.10 HISTORIC DISTRICT ADVISORY BOARDS
 - 5.1.11 DEVELOPMENT SERVICES DEPARTMENT (DSD)
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- 5.1.1 **PURPOSE.** This Division describes the responsibilities, powers, and duties exercised by the legislative and administrative bodies, appointive officers and municipal agencies, and boards and commissions involved in the planning, zoning, and division of land within the city.
- 5.1.2 **MAYOR AND COUNCIL.** The Mayor and Council perform the following functions.
 - 5.1.2.1 General Plan. The Mayor and Council shall adopt a comprehensive, long-range general plan for the development of the city known as the *General Plan* and any of its elements as provided in Sec. 5.2.2 and elements mandated by the Arizona Revised Statutes (ARS), Sec. 9-461.05 and 9-461.06. Adoption of, and amendment to, the *General Plan* shall be in accordance with procedures set forth in Sec. 5.4.2.1, Type I Legislative Procedure. The *General Plan* is equivalent to the state-mandated general plan. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01)
 - 5.1.2.2 Specific Plans and Regulations. The Mayor and Council shall adopt specific plans, regulations, programs, and legislation as described in Sec. 5.2.3 and as may be needed for the systematic implementation of the *General Plan* and provided for in the Arizona Revised Statutes (ARS), Sec. 9-461.08. Adoption of, and amendment to, specific plans shall be in accordance with procedures set forth in Sec. 5.4.2.1, Type I Legislative Procedure. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01)
 - 5.1.2.3 Redevelopment Plans. The Mayor and Council shall adopt redevelopment plans which are policy plans addressing slum and blighted areas from the standpoint of providing economic incentives to stimulate development/redevelopment. Consideration of adoption of, or amendment to, a redevelopment plan shall be in accordance with Sec. 5.4.2.1, Type I Legislative Procedure. (Ord. No. 9517, §4, 2/12/01)
 - 5.1.2.4 Land Use Code (LUC). The Mayor and Council shall adopt and amend the *Land Use Code (LUC)* in accordance with procedures set forth in Sec. 5.4.2.1, Type I Legislative Procedure. (Ord. No. 9517, §4, 2/12/01)
 - 5.1.2.5 Establishment of Original City Zoning. The Mayor and Council shall establish original city zoning for land annexed in accordance with procedures set forth in Sec. 5.4.2.5, Type V Legislative Procedure. (Ord. No. 9517, §4, 2/12/01)

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- 5.1.2.6 Changes in Zoning District Boundaries (Rezoning). The Mayor and Council shall consider amendments to zoning district boundaries as provided on the City Zoning Maps in accordance with procedures set forth in Sec. 5.3.2. (Ord. No. 9517, §4, 2/12/01)
- 5.1.2.7 Repealed. (Ord. No. 8765, §1, 10/14/96; Ord. No. 9517, §4, 2/12/01)
- 5.1.2.8 Appeals of Zoning Examiner (Examiner) Decisions, Special Exception Land Uses. The Mayor and Council shall consider appeals from Zoning Examiner (Examiner) decisions on Special Exception Land Use applications in accordance with procedures set forth in Sec. 5.4.4.3, Type III Appeal Procedure. (Ord. No. 9517, §4, 2/12/01)
- 5.1.2.9 Plats. The Mayor and Council shall consider final plats in accordance with procedures set forth in Sec. 4.1.6.2. Authority to approve a tentative plat is delegated to the Development Services Department (DSD) Director. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9517, §4, 2/12/01)
- 5.1.2.10 Special Exception Land Uses. The Mayor and Council shall consider Special Exception Land Use requests requiring legislative consideration in accordance with Sec. 5.3.9. (Ord. No. 9517, §4, 2/12/01)
- 5.1.2.11 Enforcement. The Mayor and Council shall adopt policies for establishing rules and procedures deemed necessary for the enforcement of the *Land Use Code (LUC)*. (Ord. No. 9517, §4, 2/12/01)
- 5.1.2.12 Appointments. The Mayor and Council appoint the members of the following boards and commissions.
- A. Planning Commission in accordance with Sec. 5.1.5.
 - B. Board of Adjustment (B/A) in accordance with Sec. 5.1.7.
 - C. Development Review Board (DRB) in accordance with Sec. 5.1.8.
- (Ord. No. 9517, §4, 2/12/01)
- 5.1.2.13 Appeals of Development Services Department (DSD) Director Decisions, Environmental Resource Zone (ERZ) Mitigation Plans. The Mayor and Council shall consider appeals of Development Services Department (DSD) Director decisions on Environmental Resource Zone (ERZ) mitigation plans as provided in Sec. 2.8.6.8.B in accordance with procedures set forth in Chapter 23A of the Tucson Code. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9392, §1, 5/22/00; Ord. No. 9517, §4, 2/12/01)
- 5.1.2.14 Development Agreements and Protected Development Right. The Mayor and Council may consider development agreements that include a protected development right in accordance with procedures set forth in Sec. 5.3.10. (Ord. No. 9635, §1, 12/10/01)
- 5.1.3 CITY MANAGER.** The City Manager provides general supervision of, and direction to, the Planning Department and the Development Services Department (DSD) in the administration of the *Land Use Code (LUC)*, subject to the control of the Mayor and Council, and is given the authority to perform the following duties. (Ord. No. 9392, §1, 5/22/00)
- 5.1.3.1 Enforcement. The City Manager assures that the *Land Use Code (LUC)* is enforced and that City agencies and employees provide assistance to the Planning Department, the Development Services Department (DSD), and the responsible boards and commissions in the planning, zoning, and division of land. (Ord. No. 9392, §1, 5/22/00)
- 5.1.3.2 Capital Improvement Program. The City Manager, with the assistance of the Planning Director and other City agencies, prepares a coordinated program of proposed public works for the city on an annual basis.
- 5.1.3.3 Reserved. (Ord. No. 9392, §1, 5/22/00)
- 5.1.3.4 Reserved. (Ord. No. 9392, §1, 5/22/00)
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DIVISION 3. SPECIAL DEVELOPMENT APPLICATIONS

SECTIONS:

- 5.3.1 PURPOSE**
 - 5.3.2 REZONING**
 - 5.3.3 VARIANCES**
 - 5.3.4 LOT DEVELOPMENT OPTION (LDO)**
 - 5.3.5 PROJECT DESIGN OPTION (PDO)**
 - 5.3.6 NONCONFORMING USE OR STRUCTURE**
 - 5.3.7 TEMPORARY USE OR STRUCTURE**
 - 5.3.8 DEVELOPMENT PLAN**
 - 5.3.9 SPECIAL EXCEPTION LAND USES**
 - 5.3.10 PROTECTED DEVELOPMENT RIGHT**
-

- 5.3.1 PURPOSE.** This Division is established for the purpose of listing special development applications that are not otherwise referenced by the land use listings within the individual zones. The special development applications are created to provide alternative procedures through which relief from the general land use provisions can be requested.
- 5.3.2 REZONING.** Changes to zoning boundaries are considered by the Zoning Examiner (Examiner) at a public hearing for recommendation to the Mayor and Council. Mayor and Council make the final decision. Rezoning are processed under three (3) different types of procedures, as provided below.
- 5.3.2.1 Sec. 5.4.2.2, Type II Legislative Procedure. This procedure is utilized when the conditions of rezoning are required to be satisfied prior to the Mayor and Council's consideration of the adoption of a rezoning ordinance. Application requirements for this procedure, which are not as stringent as those for the other two rezoning processes, can be found in Development Standard 1-07.0.
- 5.3.2.2 Sec. 5.4.2.3, Type III Legislative Procedure. This procedure is utilized when conditions of rezoning are satisfied within a specified time period after adoption of the ordinance. Application procedures can be found in Development Standard 1-07.0.
- 5.3.2.3 Sec. 5.4.2.4, Type IV Legislative Procedure. This procedure is utilized when conditions of rezoning are satisfied after adoption of a rezoning ordinance, generally with no timetable for completion. This procedure is utilized for rezonings to the Planned Area Development (PAD) zone and requires submittal and review of detailed proposals of land use regulations and plans prior to the Examiner's public hearing. Application requirements are located in Development Standard 1-06.0. (Ord. No. 9374, §1, 4/10/00)
- 5.3.3 VARIANCES.** Requests to vary the provisions of the *Land Use Code (LUC)* require Board of Adjustment (B/A) approval through a Type III Administrative Procedure, Sec. 5.4.3.3. Application requirements shall be established by the Planning Director and shall include, but not be limited to, property ownership information, a site plan, elevations, and other information that may be necessary to evaluate the request.
- 5.3.3.1 Findings for Approval. The Board of Adjustment (B/A) may approve a variance request subject to the findings listed in Sec. 5.1.7.3.B.
- 5.3.3.2 Issuance of Permits. On variance requests that have been approved by the Board of Adjustment (B/A), permits shall not be issued before the end of the appeal period.

5.3.3.3 Expiration of Approval. Any variance granted through this process or on appeal shall be null and void if building permits are not issued or compliance with conditions of approval does not occur within one hundred eighty (180) days from the date of approval. A shorter time period for compliance may be required as a condition of approval. Two (2) extensions of up to one hundred eighty (180) days each may be granted by the Planning Director for good cause. An exception to the length of the approval period is a variance granted for lot size reduction for which a plat has been recorded in compliance with the variance. (Ord. No. 8785, §1, 12/16/96; Ord. No. 9179, §1, 12/14/98)

5.3.4 **LOT DEVELOPMENT OPTION (LDO).** This Section is established to provide the ability to modify, under certain criteria, the Development Designator provisions applicable to a land use within each zone. The ability to modify a requirement is not intended as a method of deleting or waiving the requirement but is intended to assist in the design and development of a project and:

- Encourage the efficient use of land through design innovation.
- Provide administrative relief to zoning requirements that do not affect the adjacent properties and the surrounding neighborhood and community.
- Provide the ability to modify design requirements in instances where the strict application of the requirement may not be practical due to topography; existing development, whether on site or on adjacent properties; or life safety issues.
- Provide for energy conservation through flexible site and building design.
- Provide for consideration and implementation of alternative design solutions within the intent of the regulation in a timely and efficient manner.

5.3.4.1 Applicability. The following Development Designator requirements may be considered for modification under this Section.

- A. Setback provisions, including separation between buildings.
- B. Height of accessory walls and fences. (This does not include screening as required in Article III, Division 7, Landscaping and Screening Regulations.)

5.3.4.2 Review. Review of modification requests shall be in accordance with Sec. 5.4.3.2, Type II Administrative Procedure. Application requirements shall be established by the Planning Director and shall include, but not be limited to, property ownership information, a site plan, elevations, and other information that may be necessary to evaluate the request.

5.3.4.3 Findings for Approval. The Planning Director may approve a modification to a Development Designator requirement as provided by this Section, if all the following findings are made.

- A. The modification is not a request previously denied as a variance. (Ord. No. 9179, §1, 12/14/98)
- B. The modification is to a Development Designator provision and not to performance criteria that apply to the use within the zone, i.e., a setback requirement greater than required under the Development Designator provisions for the land use.
- C. The modification is to the Development Designator provisions and not to performance criteria required of a Special Exception Land Use in order for such use to be allowed in the zone, i.e., a building height less than required under the general provisions of the zone.

4. The substitute use does not propose an extension or enlargement of the structure or of the areas occupied by the nonconforming use, except as provided for expansion in Sec. 5.3.6.1.B and Sec. 5.3.6.1.C.
 5. Any new signs proposed for the substitute use shall be of such height, area, and illumination as to be the least detrimental to neighboring properties, but in no event shall a new sign exceed any signage limitations of the Sign Code.
- E. *Change in Nonconforming Status.* When a substitute use is allowed in a zone which is a more restrictive zone than the zone in which the existing nonconforming use is first allowed, the nonconforming status for that parcel changes to the more restrictive zone.
- F. *Nonconforming Parking Areas.* Nonconforming parking areas may be reconstructed, repaved, restriped, or improved with landscaping, additional buffers, lighting, or similar modifications, including the redesign of the parking area layout. The proposed modifications may be approved by the Planning Director through a Type I Administrative Procedure, Sec. 5.4.3.1, if notice is provided in accordance with Sec. 5.4.5.7.A.2.a and if the modifications meet the following criteria.
1. The modifications are in the interest of public health and safety.
 2. The modifications do not increase the intensity of the nonconforming use of the parking lot.
 3. There is a reduction, or no change, in the adverse impact of the nonconforming parking lot on adjacent residentially zoned properties.

(Ord. No. 9456, §1, 10/16/00)

5.3.6.2 **Nonconforming Structure.** The following requirements apply to nonconforming structures.

A. *Reconstruction.*

1. Any nonconforming building or structure or groups of nonconforming buildings or structures damaged by natural causes, such as, but not limited to, fire, flood, and lightning, may be reconstructed and used as before with the following limitations.
 - a. Permits to reconstruct the building or structure must be issued within twelve (12) months of the occurrence.
 - b. The reconstruction of the building or structure may not exceed the original footprint or square footage as it existed at the time of the occurrence.
2. Except as set forth in Sec. 5.3.6.2.A.1, a nonconforming structure that is demolished loses its nonconforming status.

- B. *Expansions.* Nonconforming structures, as provided in Sec. 1.2.7, may continue to be utilized as they existed at the time such structures became nonconforming; however, any expansions made to nonconforming structures from that date shall be in compliance with current regulations. The proposed expansion of a nonconforming building or structure to rebuild any part of a building damaged or demolished due to a government act, such as right-of-way condemnation, shall not count toward the fifty (50) percent expansion requirements of Sec. 5.3.6.1.B; however, such new construction shall comply with current *Land Use Code (LUC)* requirements.

- C. *Loss of Nonconforming Status.* When a building or structure is altered to comply with applicable development criteria of the underlying zoning, the nonconforming status of that building or structure is terminated.
- D. *Nonconforming Parking Areas.* Nonconforming parking areas may be modified, without affecting the nonconforming use status, per Sec. 5.3.6.1.F. (Ord. No. 9456, §1, 10/16/00)

5.3.7 TEMPORARY USE OR STRUCTURE. Certain land uses or structures not permitted within specific zones may be allowed on a temporary basis if authorized through a Type I Administrative Procedure, Sec. 5.4.3.1, provided such request for a temporary use complies with the following.

- 5.3.7.1 Qualification for Permit.** For certain land uses or structures to be allowed on a temporary basis, the land use or structure must comply with one (1) or more of the following special circumstances.
- A. The circumstances constitute a substantial hardship, such as, but not limited to, a natural disaster, e.g., fire or flood, or a government action that has resulted in damage to an existing structure on the subject property.
 - B. A temporary structure, such as a mobile or modular unit, occupied as a caretaker's facility or a home for the eventual resident may be allowed during the construction of a permanent structure. The temporary structure shall be on the same site as the construction. (Ord. No. 9138, §1, 10/5/98)
 - C. The temporary location of off-street parking facilities during the structural expansion or remodeling of an existing building. Such temporary facilities do not have to comply with requirements of a permanent parking facility but must, at a minimum, provide the following.
 - 1. Screening from adjacent residential development. Since this is a temporary facility, screening cannot be achieved by the use of landscaping unless mature vegetation which can act as the screen exists on the site.
 - 2. Dustproofing.
 - D. A temporary real estate office may be allowed during construction of a project, provided:
 - 1. The temporary use is terminated at the end of one (1) year from the date the approval was granted; however, additional twelve (12) month extensions may be granted, provided sales activity for the project continues and ten (10) percent or more of the lots or units remain unsold.
 - 2. The temporary office structure is located on a lot and complies with *Land Use Code (LUC)* zoning requirements applicable to that lot.
 - 3. The temporary office structure is located in the same subdivision within which sales occur.
 - 4. The temporary use or structure complies with any additional conditions required by the approval authority.
 - E. A temporary construction equipment yard for public improvement projects involving street improvements or the placement of utilities within public rights-of-way, provided solutions are implemented to mitigate potential negative impacts to adjacent residential development. Such solutions include, but are not limited to, screening of equipment, setbacks, hours of operation, and limited or restricted use of residential streets.
 - F. Repealed. (Ord. No. 8786, §1, 12/16/96)

- G. The temporary placement of a mobile telecommunications tower facility on nonresidential property may be permitted upon the demonstration by a telecommunications provider that the facility is necessary for its operations; the facility is set back from any residentially zoned property by a distance equal to the height of the proposed tower and base; and the tower and base does not exceed sixty-five (65) feet from the existing grade. The temporary use authorized by this subsection shall be approved for a period not to exceed sixty (60) days and may be approved for one extension of time not to exceed sixty (60) days. (Ord. No. 8899, §1, 7/7/97)

5.3.7.2 **Bond Required.** A cash or assurance bond in the amount of one thousand (1,000) dollars for a residential use and five thousand (5,000) dollars for a nonresidential use is required, unless stipulated otherwise in the qualification criteria in Sec. 5.3.7.1, to guarantee termination of the temporary use. The cash or assurance bond shall be provided to the City before any permit for the use is issued. (Ord. No. 8786, §1, 12/16/96)

5.3.7.3 **Refund.** The bond, as required in Sec. 5.3.7.2, is refunded when the temporary use or structure is removed by the applicant in accordance with Sec. 5.3.7.4.

5.3.7.4 **Removal.** The temporary use or structure shall be removed on or before the date of expiration of the approval period. Should the zoning compliance certificate be revoked, a temporary use must be removed within fifteen (15) days notice.

- A. Removal is to include all improvements installed to accommodate the temporary use or structure.
- B. If, after the removal, the property is left graded and vacant, the property is to be reseeded in accordance with the requirements of the grading ordinance for graded but undeveloped properties.

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- 5.3.7.5 **Forfeiture.** If the temporary use or structure is not removed or the site does not achieve compliance, the bond required by Sec. 5.3.7.2 is forfeited.
- 5.3.7.6 **Time Limit.** Approval for a temporary use or structure may be granted for one (1) year, with an additional one (1) year period granted for good cause, unless otherwise stipulated in the temporary use or structure qualification criteria in Sec. 5.3.7.1. (Ord. No. 8786, §1, 12/16/96)
- 5.3.8 DEVELOPMENT PLAN.** A development plan is a drawing of a project site that provides detailed information as to how a proposed project will be developed in compliance with City ordinances and regulations. When a development plan is required to be processed in accordance with this Section, preparation, application, review, and approval shall be as follows.
- 5.3.8.1 **Review Procedure.** Preparation, application, review, and approval of development plans shall be in accordance with procedures established in Chapter 23A, of the Tucson Code, Sec. 2.2.8. (Ord. No. 9392, §1, 5/22/00)
- 5.3.8.2 **Expiration Dates.** Expiration dates for development plans are as provided below. For the purposes of Sec. 5.3.8, "construction or building permits" are those permits issued for the construction of the project, such as, but not limited to, infrastructure improvements, building foundations, buildings, paving of vehicular use areas, or similar types of improvements related to the construction and implementation of the project. Permits for: a) clearing, grubbing, and grading of a site; b) construction of a section of sidewalk; c) installation of screening; d) paving of an access driveway but not the parking associated with the use; or e) any similar type of work are not considered "construction or building permits" for purposes of this Section, unless specifically stated otherwise by this Section or the process requiring the applicability of this Section.
- A. *Maximum Review Period.* Except in the case of a Protected Development Right Plan, Sec. 5.3.10, an applicant has one (1) year from the date of application to obtain approval of a development plan that complies with zoning and other development requirements in effect at the time of application, unless an ordinance adopted by Mayor and Council during this period states otherwise. A development plan application that has been in review for a period of one (1) year which has not been approved is considered denied. To continue the review of a development plan for the property, a new development plan which complies with regulations in effect at that time must be submitted. The new submittal initiates a new one (1) year review period. (Ord. No. 9635, §2, 12/10/01)
- B. *Development Plan Approval Period.* Except in the case of a Protected Development Right Plan, Sec. 5.3.10, an approved development plan remains valid for a period of one (1) year from the date of approval. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9635, §2, 12/10/01)
1. If, at the end of one (1) year, building permits have not been obtained, a new development plan application, in compliance with regulations in effect at the time of its resubmittal, is required.
 2. If the project is being developed in phases and permits have not been issued for all phases within the one (1) year period, developers of subsequent phases have one (1) additional year to obtain permits. If, at the end of the two (2) year period, permits have not been issued, review and approval of a revised development plan for the undeveloped portion, in compliance with all regulations and/or ordinances in effect at the time of resubmittal, are required prior to the issuance of building permits.
 3. If construction permits are issued within the required time period, but the construction of the project has not commenced and the permit and development plan approval periods expire, the approval of the development plan is considered expired. Review and approval of a revised development plan, in compliance with regulations and ordinances in effect at the time of resubmittal, are required prior to the issuance of building permits.

4. If construction permits are applied for but not issued within the time period required by this Section, the time period is extended an additional three (3) months to allow for completion of the review and for the issuance of permits.
5. If the approval period has expired pursuant to Sec. 5.3.8.2.B.1, .B.2, .B.3, or .B.4 of this Section, the resubmittal to obtain approval of a new development plan initiates a new review period in accordance with Sec. 5.3.8.2.A.

5.3.8.3 Issuance of Building Permits. Review and approval for the issuance of permits for development plans shall be as follows.

- A. *Approved Development Plan.* The approved development plan shall be filed with the official building records for the site and shall be the basis for the issuance of building permits. Building permit applications shall include a copy of the approved development plan bearing the appropriate approval signature. (Ord. No. 9392, §1, 5/22/00)
- B. *Change From, or Expiration Of, an Approved Development Plan.* Building permit applications involving construction which changes from the approved development plan or if the approval has expired shall be accompanied by a copy of an amended development plan bearing the Planning Department's approval.
 1. The Planning Director may approve minor changes from the approved plan without processing the plan through the entire review process. Determination as to whether the change is minor or major is made by the Planning Director on a case-by-case basis. Changes in site design include, but are not limited to, building height, density, land use, parking, and traffic circulation.
 2. Major changes from the approved plan require review and recommendation of approval of the new plan by the review agencies. If the development plan is required as a special requirement imposed by the Mayor and Council, a major deviation shall require approval by the Mayor and Council prior to review of the revised plan.

(Ord. No. 9392, §1, 5/22/00)

5.3.9 SPECIAL EXCEPTION LAND USES. Special Exception Land Uses are uses which are not allowed by right within a zone but are permitted if approved through a particular review process. Within each zone, there is a section or subsection entitled Special Exception Land Uses which lists those land uses that are eligible for consideration within that zone under one (1) of the Special Exception Land Use review procedures.

5.3.9.1 Purpose. Special Exception Land Uses are often desirable but may have detrimental effects on adjacent properties or neighborhoods or on the surrounding community if not properly designed and controlled. A special review of these land uses is necessary to ensure that avoidable problems or hazards are not created and that such uses are consistent with the intent of this Chapter and the zones under which they are permitted.

5.3.9.2 Review Procedures. Special Exception Land Uses are reviewed under one (1) of three (3) different procedures. The applicable procedure is provided in the individual zone for the land use. The procedures are as follows. Application requirements shall be established by the Planning Director and shall include, but not be limited to, information on the subject property and surrounding uses, proposed use, traffic considerations, land use impact analysis, and any other information as appropriate to evaluate the requests.

- A. *Review by the Planning Director.* This is an administrative procedure requiring review and approval by the Planning Director through a Type IV Administrative Procedure, Sec. 5.4.3.4. Approval shall be granted if the Planning Director finds the proposal in compliance with the findings as listed in Sec. 5.3.9.3. The approval may be subject to conditions as provided in Sec. 5.3.9.4.

- B. *Approval by the Zoning Examiner (Examiner).* This is an administrative procedure requiring a public hearing and approval by the Zoning Examiner (Examiner) in accordance with a Type V Administrative Procedure, Sec. 5.4.3.5. The Examiner may approve the request if all the findings as listed in Sec. 5.3.9.3 are complied with. If approved, the approval may be subject to conditions as provided in Sec. 5.3.9.4.
- C. *Review by the Mayor and Council.* This is a legislative procedure requiring a public hearing by the Zoning Examiner (Examiner) and approval by the Mayor and Council in accordance with a Type III Legislative Procedure, Sec. 5.4.2.3.

5.3.9.3 Findings. The following findings are considered by the Planning Director and Zoning Examiner when evaluating a request in accordance with Sec. 5.3.9.2.A and Sec. 5.3.9.2.B. The use: (Ord. No. 9374, §1, 4/10/00)

- A. Meets the standards expressly applied by all adopted codes and regulations for that type of land use or for the Land Use Class applicable to the proposed use.
- B. Does not adversely affect adjacent land uses or the surrounding neighborhood or that such adverse effects can be substantially mitigated through the use of additional conditions as provided in Sec. 5.3.9.4.
- C. Provides for adequate and efficient vehicular and pedestrian access and circulation and vehicular parking.
- D. Can be adequately and efficiently served by public facilities and services, such as water, stormwater drainage, fire and police protection, and solid and liquid waste disposal and/or collection as may be required by the City or the Pima County Health Department.
- E. Complies with the *General Plan* and any applicable subregional, area, or neighborhood plan. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01)

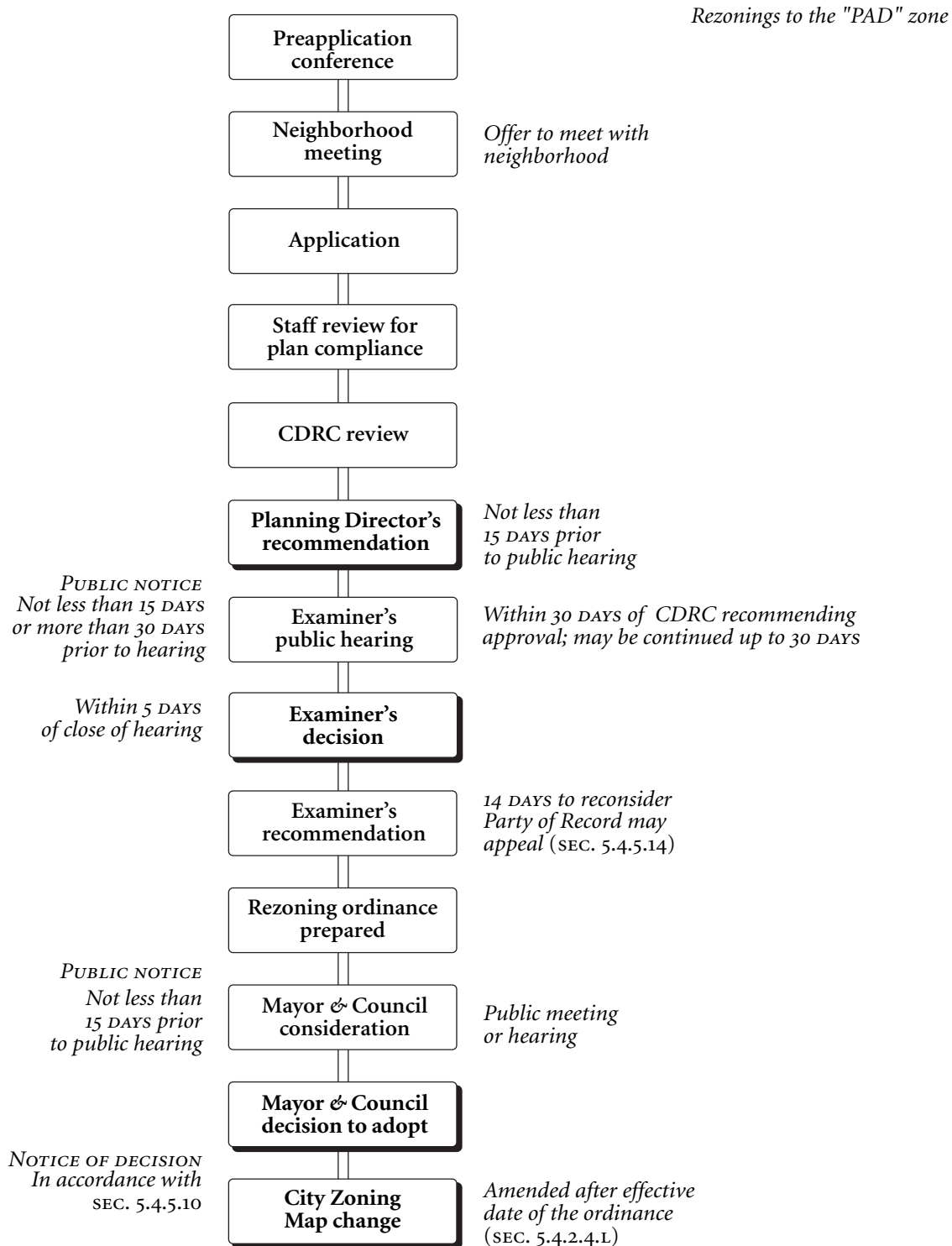
5.3.9.4 Conditions of Approval. In approving an application, the Planning Director or Zoning Examiner (Examiner) may impose such reasonable and appropriate conditions and safeguards as may be necessary to ensure compliance with the criteria for approval. Such conditions and safeguards may also be imposed to reduce or minimize any potentially injurious effects on adjacent properties; the character of the neighborhood; or the health, safety, or general welfare of the community. Such conditions may include, but not be limited to:

- A. Setbacks for structures or activities greater than the minimum required by the applicable zoning district.
- B. Structural or vegetative screening greater than that required by the landscaping and screening regulations of this Chapter to buffer the surrounding land uses from the proposed use.
- C. Limitations on the height, size, or illumination of signs more restrictive than the applicable requirements of the Tucson Sign Code.
- D. Limitations on the conduct of the proposed use, such as, but not limited to, hours of operation, or use of loudspeakers or external lighting, as necessary to protect adjacent land uses.
- E. Dedication of necessary right-of-way for streets, alleys, drainageways, and utilities.

5.3.9.5 Mayor and Council Decision. The findings of the Zoning Examiner and any proposed conditions shall be forwarded to the Mayor and Council for their consideration. The decision by the Mayor and Council shall take into consideration whether or not the proposal satisfies the findings in Sec. 5.3.9.3. The Mayor and Council may either approve the application, approve the application with conditions, or deny the application. (Ord. No. 9374, §1, 4/10/00)

- 5.3.10 PROTECTED DEVELOPMENT RIGHT.** A protected development right is a right granted to undertake and complete the development and use of property under the terms and conditions of a Protected Development Right Plan (see Sec. 6.2.16) without compliance with subsequent changes in zoning regulations and development standards, except as provided by Arizona Revised Statutes (ARS), Sec. 9-1204.
- 5.3.10.1 Development Agreement. A protected development right shall be granted by the Mayor and Council only by a development agreement.
- 5.3.10.2 Non-Phased Development. Consideration and approval of a protected development right for non-phased development shall be as follows.
- A. *Concurrent Approval.* If the requested Protected Development Right Plan is a subdivision plat or a development plan of a type that requires approval by the Mayor and Council, a development agreement conferring a protected development right may be presented to the Mayor and Council concurrently with the subdivision plat or development plan approval.
- B. *Prior Separate Approval.* A development agreement authorizing a protected development right may be presented to the Mayor and Council at any time before final approval of a development plan that does not require approval by the Mayor and Council or a subdivision plat or development plan that has not yet been completed. The development agreement shall sufficiently identify the project for which a protected development right is being authorized, and the protected development right shall not be effective until the subdivision plat or development plan is approved.
- 5.3.10.3 Phased Development. For phased development, a plan or map attached to and incorporated in a development agreement may be considered and approved by the Mayor and Council as a Protected Development Right Plan if the plan or map indicates the type and intensity of uses for each development parcel within the phased project. A more detailed plan shall be submitted for each phase of the phased development in order to obtain final site development approval to develop the property.
- 5.3.10.4 Effective Date of Protected Development Right. A protected development right shall be deemed established with respect to a property on the effective date of the approval of the Protected Development Right Plan.
- 5.3.10.5 Duration of Protected Development Right. The duration of the protected development right shall be set forth in the development agreement that identifies a Protected Development Right Plan but shall not exceed three (3) years for a non-phased development and five (5) years for a phased development, with a single discretionary two (2) year extension permitted in either event, as provided in Arizona Revised Statutes (ARS), Sec. 9-1203.
- 5.3.10.6 Notation of Protected Development Right on Plan. The period of time a property has a protected development right shall be noted on the Protected Development Right Plan.
- 5.3.10.7 Modification of Development Plan Expiration Dates. Notwithstanding Sec. 5.3.8.2, a development plan that has been designated a Protected Development Right Plan shall expire upon termination of the protected development right.
- 5.3.10.8 Conditions of Approval. Approval of a Protected Development Right Plan may be granted subject to such terms and conditions as the Mayor and Council deem appropriate, and such terms and conditions shall be incorporated into the development agreement accompanying the Protected Development Right Plan.

(Ord. No. 9635, §2, 12/10/01)



SEC 5.4.2.4 TYPE IV Legislative Procedure

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- 5.4.2.5 Type V Legislative Procedure. Applications filed under this procedure require a public hearing before the Mayor and Council prior to a decision. This procedure is used for designating protected peaks and ridges, for the adoption of redevelopment plans, and for the establishment of original City zoning on land annexed into the city. (See Illustration 5.4.2.5.)
- A. *Preapplication Conference.* A preapplication conference with the Planning Department in accordance with Sec. 5.4.5.1 is encouraged.
- B. *Application.* Submittal of an application shall be in accordance with Sec. 5.4.5.3 with the following limitations.
1. *Protected Peaks and Ridges.* Applications for designation of, or amendment to, protected peaks and ridges can only be submitted by the Planning Department or one (1) or more of the property owners of the subject property. Application requirements shall be established by the Planning Director and shall include, but not be limited to, property ownership and locational information.
 2. *Redevelopment Plans.* The Mayor and Council initiate the procedure for adoption of a redevelopment plan by declaring the area within the proposed redevelopment area as a slum and/or a blighted area.
 3. *Zoning of Land Annexed into the City.* Review of an ordinance which establishes original City zoning on land annexed into the city is initiated upon filing in the office of the Pima County Recorder the blank petition for annexation of the land in accordance with Arizona Revised Statutes (ARS), Sec. 9-471 (A) (1). (Ord. No. 9637, §1, 12/10/01)
- C. *Review and Recommendation.* Staff and Agency Review shall be conducted in accordance with Sec. 5.4.5.5.A and .B. The Planning Director shall forward a Recommendation in accordance with Sec. 5.4.5.6 to the Mayor and Council within seventy (70) days of acceptance of the application but not less than fifteen (15) days prior to the hearing, with the following exception.
1. *Zoning of Land Annexed into the City.* The Planning Director may forward a Recommendation to the Mayor and Council more than seventy (70) days after the annexation, provided it is forwarded not less than fifteen (15) days prior to the public hearing. The Recommendation shall include an ordinance which establishes original zoning for the annexed area and shall become effective not earlier than the effective date of the annexation ordinance and not later than six (6) months after the effective date of the annexation as provided in Sec. 1.2.9. (Ord. No. 9637, §1, 12/10/01)
- D. *Mayor and Council Public Hearing.* The Mayor and Council shall hold a public hearing in accordance with Sec. 5.4.5.8.B.
1. *Notice of Public Hearing.* Notice of the public hearing shall be, unless a different notice is noted below, by Published Notice in accordance with Sec. 5.4.5.7.C and Mailed Notice in accordance with Sec. 5.4.5.7.A.1 to Expanded Area A as provided in Sec. 5.4.5.7.A.2.c. Such notice shall be provided not less than fifteen (15) days, nor more than thirty (30) days, prior to the hearing.
 - a. *Notice for Designation of Peaks and Ridges.* Notice shall be the same as provided for this procedure above with the added requirement of Mailed Notice, in accordance with Sec. 5.4.5.7.A.1, to two (2) members of each neighborhood association registered with the City located within one (1) mile of the subject site.
 - b. *Notice for Redevelopment Plans.* Notice of the public hearing on the establishment of a redevelopment plan shall be by Published Notice in accordance with Sec. 5.4.5.7.C, except the notice shall be published once a week for two (2) consecutive weeks. The last publication shall be at least ten (10) days prior to the hearing.

Large Bar. Same as Bar, Large.

Large Retail Establishment. Same as Retail Establishment, Large. (Ord. No. 9293, §1, 9/27/99)

LC. Same as Lot Coverage.

Ldn (Day-Night Average Sound Level). Ldn values are expressed in decibels and represent the average noise level over a twenty-four (24) hour period for an average day of the year. For Tucson International Airport, the Ldn values are calculated based on an FAA integrated noise model, which averages noise over a three hundred and sixty-five (365) day year. For Davis-Monthan Air Force Base, Ldn values are calculated based on the Department of Defense Noise Map model which averages noise over the total flying days of the year.

Lot. A tract of land bounded on all sides by property lines, of sufficient size to meet minimum zoning requirements, with legal access to a public street.

Lot Coverage. The area of a site occupied by buildings, storage areas, and vehicular use areas. For specific application requirements, refer to Sec. 3.2.9.

Lot Line, Interior. Same as Interior Lot Line.

Lot Line, Street. Same as Street Lot Line.

Lot Lines. The property lines bounding a lot.

Low Enrollment. A school having registered enrollment at sixty-five (65) percent or less than the school's capacity, not including any portable classroom buildings. For the purposes of this definition, magnet schools are considered to be low enrollment schools.

Low-Income Area. An area determined to have fifty-one (51) percent or more of its residents in the low to moderate income levels as established by the Department of Housing and Urban Development (HUD) based on the most recent United States decennial census. A map identifying the low income areas is available in the Planning Department and in the Development Services Department (DSD). The map is updated administratively by the Planning Department to reflect poverty and low income data from the most recent United States decennial census. (Ord. No. 9392, §1, 5/22/00)

LP. Same as Liquid Petroleum.

LUC. Same as *Land Use Code*.

6.2.13 DEFINITIONS - M.

Major Employment Center. A grouping of commercial, institutional, office, and/or industrial uses of such scale and in such proximity to each other that enables and encourages employees to use alternate modes of travel both to and from work and during daily activities (e.g., shopping, lunch, banking). Examples: Tucson Medical Center (TMC), Park Mall, El Con Mall, Pima Community College, St. Joseph's Hospital, Tucson Mall, and the Downtown Business District.

Major Medical Service. See Medical Service - Major, Sec. 6.3.5.16.

Major Streets and Routes. Major streets and routes refers to those freeways, arterials, and collector streets identified in the *Major Streets and Routes Plan*.

Major Streets and Routes (MS&R) Plan. The plan adopted by the Mayor and Council to implement the circulation element of the *General Plan*, which identifies the general location and size of existing and proposed freeways, arterial and collector streets, future right-of-way lines, typical intersections, and Gateway and Scenic Routes. (Ord. No. 9517, §5, 2/12/01)

Major Streets and Routes (MS&R) Right-of-Way Area. That area between the MS&R right-of-way lines of a major street or route designated as such by the *MS&R Plan*. The right-of-way width existing for the major street or route may or may not be equal to the MS&R right-of-way area and in certain situations includes privately-owned property.

Major Streets and Routes (MS&R) Right-of-Way Lines. A line establishing the projected width for that major street or route located parallel or approximately parallel to the center line of the street a distance equal to one-half the right-of-way width shown for that street or route in the *MS&R Plan*.

Manufactured Housing. A multisectional mobile home dwelling manufactured after June 15, 1976, to standards established by the U. S. Department of Housing and Urban Development which has external dimensions of at least twenty-four (24) feet by forty (40) feet and is installed on a permanent foundation. A manufactured housing unit is considered equivalent to a single-family dwelling. A wall shall be installed continuously, except for ventilation and access, along the entire perimeter of the unit between the unit and the ground to give it the appearance of a site-built house. The wall shall be of masonry construction or similar material. The tongue, axles, transporting lights, and towing apparatus shall be removed before occupancy. (Ord. No. 9138, §1, 10/5/98)

M/C. Same as Mayor and Council.

Meal. For the purposes of applying Sec. 3.5.4.7, a “meal” shall mean the usual assortment of foods commonly ordered at a restaurant at various hours of the day. (Ord. No. 8666, §1, 3/25/96)

Medical Service - Extended Health Care. See Sec. 6.3.5.15.

Medical Service - Major. See Sec. 6.3.5.16.

Medical Service - Outpatient. See Sec. 6.3.5.17.

Microbrewery. A Perishable Goods Manufacturing use that produces beer, in the amount between ten thousand (10,000) and three hundred ten thousand (310,000) gallons annually. (Ord. No. 9634, §3, 12/10/01)

Minor Subdivision. The same as "minor subdivision" as defined in Sec. 4.1.2 of this Chapter.

Mitigation. Methods used to alleviate or compensate for the negative impact of development on healthy Protected Native Plants. (Ord. No. 8845, §2, 3/24/97)

Mixed Use. A development on a site with two (2) or more separate principal land uses, designed, developed, and owned or managed as a single coordinated entity utilizing legally established common elements or shared facilities. Such common elements must comply with the following criteria.

- A. Shared motor vehicle and pedestrian access is provided to the site from a street. The number of curb cuts is limited to two (2) or less, unless a greater number is approved by the City Traffic Engineer or designee. (Ord. No. 9392, §1, 5/22/00)
- B. Shared pedestrian and motor vehicle circulation is provided.
- C. The motor vehicle parking areas are common to all land uses on the site.

Mixed Use. (Cont'd)

- D. All common or shared facilities are legally documented for use by all land uses on site for the life of the project as a mixed use.

Mobile Home. A nonmotorized dwelling, transportable in one or more sections, constructed on a permanent chassis with wheels, suitable for year-round residential occupancy and requiring the same method of water supply, waste disposal, and electrical service as a site-built dwelling. Mobile home does not mean a recreational vehicle.

Mobile Home Park. A cluster development comprised of mobile homes and/or manufactured housing units designed to function as a residential community. The entire development may be owned by a single entity and rented to individual users or have multiple ownership with each mobile home space sold to individual property owners. The park may or may not have commonly-owned facilities.

Mobile Home Space. An area of a mobile home park rented or sold for the placement of a mobile home and for the exclusive use of the occupants of the mobile home.

More Restrictive Zoning. See Sec. 1.2.6.

Motor Vehicle Parking Space. An area permanently reserved and maintained for the parking of one (1) motor vehicle.

MS&R. Same as Major Streets and Routes.

MSL. Same as Median Sea Level.

Multifamily. Same as Multiple Family.

Multiple-Family Structure. A building located on one (1) lot, containing two (2) or more dwelling units. Also known as multifamily structure and apartment building.

6.2.14 DEFINITIONS - N.

Native Plant Preservation Plan. A graphic representation of a project site which shall include, but is not limited to, an aerial photograph, at a minimum scale of one (1) inch equals one hundred (100) feet, indicating the project site boundaries and individual native plants or native plant preservation areas to be assessed and utilized to satisfy preservation requirements. Based on the Native Plant Preservation methodology selected by the applicant, additional Plan elements will be required. (Ord. No. 8845, §2, 3/24/97)

Native Vegetation. Plants indigenous to the site and to areas contiguous to the site.

Natural Grade. The topographic configuration of land, graphically represented by contour lines, prior to any grading or other human disturbance.

New Use. A land use which is being located on vacant land; a land use which replaces an existing use with a use from a different Land Use Class; or a land use that replaces an existing use which is from the same Land Use Class but which requires more parking spaces than required for the prior use.

Noise Control District-65 (NCD-65). As applied in Sec. 2.8.5, Airport Environs Zone (AEZ), a specifically designated noise exposure area where the existing and predicted average noise levels are 65 to 70 Ldn.

Noise Control District-70 (NCD-70). As applied in Sec. 2.8.5, Airport Environs Zone (AEZ), a specifically designated noise exposure area where the existing and predicted average noise levels are 70 Ldn or higher.

Nominal Cost. A cost that is very small, or negligible, bearing no relation to the real value at the time of transaction. Such cost should not exceed five hundred dollars (\$500.00) or the minimal cost of transferring ownership, whichever is less.

Nonconforming Structure. A structure or portion thereof, lawfully erected or altered, which no longer complies with the specific Development Regulations of the *Land Use Code (LUC)* applicable to the zoning category in which the building or structure is located.

Nonconforming Use. An existing land use activity lawfully established and maintained which no longer complies with land use regulations of the *Land Use Code (LUC)* applicable to the zoning category in which the land use activity is located.

Noncontributing Property. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), a building, object, site, or structure which does not add to a district's sense of time, place, or historic development. A Noncontributing Property may be a nonhistoric incompatible property, a historic architecturally compromised property, or an Intrusion.

Nuisance. A condition or use on the property which endangers life or health, gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property.

6.2.15 DEFINITIONS - O.

Oasis Allowance. A certain percentage of the land area on a site in which plants not listed on the Drought Tolerant Plant List may be used and which is located where the oasis will return maximum benefit in terms of cooling, aesthetic pleasure, and exposure to people.

Off-Street. To be within property boundaries and not within a right-of-way, such as a street or alley. (Ord. No. 8582, §1, 9/25/95)

Outpatient Medical Service. See Medical Service - Outpatient, Sec. 6.3.5.17.

6.2.16 DEFINITIONS - P.

PAAL. Same as Parking Area Access Lane.

Parcel. The same as "lot." The term "parcel" is generally listed to describe a piece of property recorded as a division of land by a metes and bounds description and not as part of a subdivision plat. In a project where a division of land is proposed, each proposed division will be considered a lot for the purpose of applying the requirements of the zoning ordinance.

Parking Area. Same as Vehicular Use Area.

Parking Area Access Lane(s) (PAAL). The area within a parking lot serving as a travel lane or lanes, other than those in a street, to provide individual access to parking spaces. Typical examples include shopping center parking lots, apartment developments using common parking, and other places in which the primary or sole purpose is to provide access to a parking area, as opposed to providing access directly to property.

Parking Lot. Same as Vehicular Use Area.

Parking Structure. A structure used for the parking of vehicles where parking is accommodated on one (1) or more levels.

Party. As applicable to a public review process, means the following:

- A. Applicant.
- B. All owners of record of property within the property owners notification area specified by the applicable development process and any tenants residing on such property.
- C. The City.
- D. Any person, organization, group, or governmental entity which demonstrates to the hearing body a substantial interest in the matter before it or receives a particular and direct impact which is distinguishable from the effects or impacts upon the general public.

Peak. A point of maximum elevation.

Perimeter Yard. A setback area to separate buildings from adjacent property or streets.

Permeable Surface. A paving material that permits water penetration to a soil depth of at least eighteen (18) inches. A permeable surface may consist of nonporous materials poured or laid in sections not exceeding one (1) square foot in area and collectively comprising less than two-thirds (2/3) of the total surface area.

Person. Any individual as well as any firm, corporation, partnership, company, or any other form of multiple organization for the carrying on of business.

Physical and Behavioral Health Service. See Sec. 6.3.8.5, Residential Care Services.

Physically Disabled. A person, as defined in Arizona Revised Statutes (ARS), Section 28-881, or as it may be amended, having a physical impairment that substantially limits that person's ability to move from place to place.

PL. Same as Property Line.

Plant Community. A biological grouping of vegetation frequently found under natural conditions due to their common soils, moisture, climate, and orientation requirements. (Ord. No. 8845, §2, 3/24/97)

Plant Inventory. A numerical listing and assessment of the plants on a site that includes plant genus and species, size, health, age, form or structure, and locational situation, such as soils and topography. (Ord. No. 8845, §2, 3/24/97)

Plat. A graphic representation of a subdivision, drawn, processed, and recorded in accordance with the subdivision provisions of this Chapter. The term "plat" includes tentative plat, final plat, and recorded plat.

Postsecondary Institution. See Sec. 6.3.4.6, Educational Use.

Preschool. Same as Child Care, Sec. 6.2.3. (Ord. No. 9374, §1, 4/10/00)

Preservation-in-Place. No disturbance of one (1) or more plants; site planning and design that retains existing plant genus and species in their current location, grade, and configuration and allows for their future health and growth. (Ord. No. 8845, §2, 3/24/97)

Prevailing Setback. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), the most frequently occurring distances between structures and street and interior property lines in a development zone.

Prison. See Sec. 6.3.4.4, Correctional Use.

Private Road. A street not dedicated to the public.

Project. A development, consisting of one (1) or more contiguous lots, planned and constructed to function as a single entity, utilizing common or shared facilities, structures, parking, and vehicular and pedestrian access.

Project Site. In general application, the area of the project. As applicable in Sec. 2.8.5, Airport Environs Zone (AEZ), the land area designated for development and managed as a single entity, exclusive of any abutting public right-of-way. A site may be any number of contiguous lots, separated by no more than six hundred (600) feet, or it may be one (1) lot. The project site utilizes common facilities such as parking, structures, and vehicular and pedestrian access. Noncontiguous lots will, at a minimum, be connected by pedestrian facilities.

Property Line. The lot line which defines the exterior limits of a lot.

Proportion. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), the relationship between the width and height of a building's front facade, windows, and doors.

Protected Development Right Plan. One of the following, identified as a protected development right plan in a development agreement approved by the Mayor and Council:

- A. A final subdivision plat.
- B. A development plan.
- C. For a phased development, a plan or map that indicates the type and intensity of uses for each development parcel.

(Ord. No. 9635, §2, 12/10/01)

Protected Native Plants. Plant genus and species of a minimum size with special status per the Protected Native Plant List, Sec. 3.8.5. (Ord. No. 8845, §2, 3/24/97)

Protected Peak. A peak identified by the Mayor and Council to be visually significant and important to the image and economy of the city. These peaks are shown on the Hillside Development Zone (HDZ) Maps.

Protected Peak Setback Area. The three hundred (300) foot distance, measured horizontally in all directions from a protected peak.

Protected Ridge. A ridge identified by the Mayor and Council to be visually significant and important to the image and economy of the city. These ridges are shown on the Hillside Development Zone (HDZ) Maps.

Protected Ridge Setback Area. The three hundred (300) foot distance, measured horizontally in all directions from the line of a protected ridge.

Provider. As applied in the wireless communication regulations, see Sec. 6.2.23, Wireless Communication Provider. (Ord. No. 8813, §1, 3/3/97)

Public Accommodation. All public places of entertainment, amusement, or recreation; all public places at which food or beverages are sold for consumption on the premises; all public places which are conducted for the lodging of transients or for the benefit, use, or accommodation of those seeking health or recreation; and all establishments which cater or offer their services, facilities, or goods to, or solicit patronage from, the members of the general public. Any residential house or residence in which less than five (5) rooms are rented is not a place of public accommodation.

Public Area. The area within a publicly-owned property, such as, but not limited to, street or alley right-of-way, or the area within a public accommodations land use set aside for use by the general public, such as, but not limited to, the dining, waiting, or rest room areas in a restaurant.

Public Assembly. Any structure or use of public accommodation, which is intended, designed, or used in whole or in part for the occupancy of fifty (50) or more persons, at any one (1) time, of the general public, for such purposes as, but not limited to, deliberation, worship, entertainment, education, amusement, drinking, or dining. For the purposes of this definition, the term general public does not include those persons who are employed full or part time at the project site; those persons who, on a temporary basis, provide or deliver goods or services to the project site; or any other persons engaged in similar activities at the project site.

Public Preserve. As applicable in Sec. 2.8.6, Environmental Resource Zone (ERZ), Saguaro National Park (Rincon Mountain District and Tucson Mountain District); Tucson Mountain Park; and Coronado National Forest.

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CITY OF TUCSON LAND USE CODE
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